

# Environment Act Licence

Manitoba  
Environment



Licence No. 2111

Issue Date September 13, 1995

In accordance with the Manitoba Environment Act (C.C.S.M. c. E125)

THIS LICENCE IS ISSUED TO:

**IMPERIAL OIL LIMITED - STONEWALL: "the Licencee"**

for the construction and operation of the Development being a bulk granular fertilizer blending/storage plant, a bulk petroleum products warehouse, an anhydrous ammonia storage tank, and distributing facilities to be located on the NW 1/4 21-13-1 EPM in the Rural Municipality of Rockwood, subject to the following specifications, limits, terms and conditions:

### DEFINITIONS

In this Licence,

"**affected area**" means a geographical area affected by an odour nuisance;

"**A-weighted sound level**" means the sound level measured in dBA units with a sound level meter set on the A-weighting network, being a filter designed to approximate the relative sensitivity of the normal human ear to different frequencies of sound;

"**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;

"**appreciable impulsive or impact character**" means sound which has a significant amount of impulsive or impact nature, such as hammering, explosions and clanking or banging. Impulsive or impact sounds are sounds of short duration, usually less than one second, characterized by an abrupt onset followed by a rapid decay;

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

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

"**dB**" (decibel) means a dimensionless measure of sound level or sound pressure level, where,

$$\text{sound level} = 20 \log_{10} \frac{\text{sound pressure (actual)}}{\text{sound pressure (reference)}};$$

"**4 minute period(s) in the aggregate**" means any 16 readings, not necessarily contiguous, taken at 15 second intervals within a 1 hour sampling period;

"**Leq (energy equivalent level)**" means the A-weighted sound level (as decibels {dBA}) of a constant or steady sound, for a stated period, which has an amount of acoustic energy equivalent to that contained in the sound being measured;

"**Leq(1)**" means the Leq for a one hour period;

"**opacity**" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background;

"**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 the affected area;
- (b) working in the affected area; or
- (c) present at a location in the 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 in a form satisfactory to the Director and from 5 different persons falling within clauses (a), (b), or (c), who do not live in the same household, received by the Director within a 90 day period; or
- (e) is the subject of at least one written complaint 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 odour, smell or aroma had occurred in a more densely populated area there would have been at least 5 written complaints from 5 different persons who do not live in the same household within a 90 day period.

"**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;

"**pesticide storage structure(s)**" means any building(s) where agricultural crop protection products are stored for either commercial or retail purposes;

"**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**" means any point of emission from a Development where pollutants are ducted into the atmosphere;

"**predominant discrete tone**" means sound (for example a whine or hum) having a one-third octave band sound level which, when measured in a one-third octave band, exceeds the arithmetic average of the sound levels of the two adjacent one-third octave bands on either side of such one-third octave band by:

- i) 5 dB for such one-third octave band with a center frequency from 500 Hertz to 20,000 Hertz, inclusive, provided such one-third octave band sound level exceeds the sound level of each adjacent one-third octave band;

- ii) 8 dB for such one-third octave band with a center frequency from 160 Hertz to 400 Hertz, inclusive, provided such one-third octave band sound level exceeds the sound level of each adjacent one-third octave band; or
- iii) 15 dB for such one-third octave band with a center frequency from 25 Hertz to 125 Hertz, inclusive, provided such one-third octave band sound level exceeds the sound level of each adjacent one-third octave band;

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

### GENERAL SPECIFICATIONS

1. The Licencee shall not handle or store any crop protection chemicals at this Development.
2. The Licencee shall, at all times during the operation of the Development, ensure that a high standard of equipment maintenance and good housekeeping 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.

### LIMITS, TERMS AND CONDITIONS

#### I - AIR EMISSIONS

4. 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 on an 1-hour average when measured at any point beyond the property line of the Development.
5. 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 for a 4 minute period(s) in the aggregate in any one hour; or
    - b) 40 percent at any time.
6. The Licencee shall not construct, alter or operate the Development, or permit the Development to be constructed, altered or operated, in a way which causes or results in an odour nuisance, and shall take steps as the Director may require to eliminate or mitigate an odour nuisance.

7. The Licencee shall not emit sound from any part or process of the Development, such that any emission when measured at a point of reception within an area which is zoned as residential, exceeds the following  $\{L_{eq}(1)\}$  limits:
- i) subject to sub-Clause 7 (ii):
    - a) 60 dBA during the daytime hours of 7:00 a.m. to 10:00 p.m., local time; or
    - b) 50 dBA during the nighttime hours of 10:00 p.m. to 7:00 a.m., local time; or
  - ii) when the sound has an appreciable impulsive or impact character or a predominant discrete tone:
    - a) 55 dBA during the daytime hours of 7:00 a.m. to 10:00 p.m., local time; or
    - b) 45 dBA during the nighttime hours of 10:00 p.m. to 7:00 a.m., local time.
8. The Licencee shall not emit sound from any part or process of the Development, such that any emission when measured at a point of reception within an area which is zoned as commercial, exceeds the following  $\{L_{eq}(1)\}$  limits:
- i) 70 dBA during the daytime hours of 7:00 a.m. to 10:00 p.m., local time; or
  - ii) 60 dBA during the nighttime hours of 10:00 p.m. to 7:00 a.m., local time.
9. The Licencee shall not emit sound from any part or process of the Development, such that any emission when measured at a point of reception, beyond the property line of the Development and within an area which is zoned as industrial, exceeds an  $L_{eq}(1)$  of 70 dBA at any time.

## II - 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 to prevent soil, surface water or ground water contamination.

## III - REMEDIAL ACTION

12. The Licencee, subject to obtaining approval from an Environment Officer, shall immediately dispose of any contaminated material in accordance with the approval.
13. 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.

## IV - FERTILIZER AND PETROLEUM PRODUCTS

14. The Licencee, notwithstanding Clause 15 and 16, shall construct and operate all parts of the Development which handle petroleum products (excepting those used for fuel) in accordance with all applicable guidelines established by the product supplier(s).

15. The Licencee, in a manner and using materials approved by the Director, shall surface all areas of the Development where fertilizer and petroleum products (excepting those used for fuel) are stored, loaded, blended, transferred or otherwise handled.
16. The Licencee, in a manner and using materials approved by the Director, shall grade or curb all areas where fertilizer and petroleum products (excepting those used for fuel) are stored, loaded, blended, transferred or otherwise handled such that all product spillage and contaminated run-off water from these areas is contained within the Development.
17. The Licencee shall submit to the Director, within ninety (90) days of the issuance of this Licence, a detailed written report indicating measures taken to comply with Clauses 14, 15 and 16 of this Licence.

#### **V - ANHYDROUS AMMONIA SETBACK DISTANCES**

18. 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.

#### **VI - EMERGENCY CONTINGENCY PLAN**

19. 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.

#### **VII - SAMPLING AND ANALYSIS**

20. The Licencee, at the request of the Director, shall conduct soil, air (stack and/or ambient), ground water, surface water or noise monitoring at or adjacent to the Development.
21. The Licencee shall have each soil, air, or water sample collected pursuant to Clause 20 analysed 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:
  - i) NH<sub>3</sub> - N (Sol.);
  - ii) NH<sub>3</sub> - (in Air);
  - iii) NO<sub>3</sub> -NO<sub>2</sub> - N (Diss.);
  - iv) Kjeldhal, Total - N;
  - v) P - Total;
  - vi) Benzene;
  - vii) Toluene;
  - viii) Ethylbenzene;
  - ix) Xylene; and
  - x) Particulate Matter (in air).

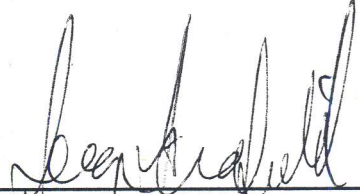
22. The Licencee shall submit a copy of the sampling report complete with analytical results as specified pursuant to Clauses 20 and 21 , to the Director within 60 days of the completion of the sampling program.

### **VIII - SITE DECOMMISSIONING**

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.

### **REVOCATION**

If in the opinion of the Director the Licencee has exceeded or is exceeding the limits, or has not or is not complying with the specifications, terms or conditions set out herein, the Director may revoke, temporarily or permanently, this Licence.



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Serge Scrafield  
Director  
Environment Act

File No.: 2384.00