



Environment and Climate Change

Environmental Approvals Branch

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EABDirector@gov.mb.ca

File No.: 6213.00

April 15, 2024

Lorne Eiffert
General Manager
Dauphin Consumers Cooperative Limited
18 Third Avenue NE
Dauphin MB R7N 0Y6
gm@dauphincoop.com

Dear Lorne Eiffert:

Re: Dauphin Consumers Cooperative Limited - Environment Act Licence No. 3420

Please find enclosed the Environment Act Licence in response to your proposal dated December 13, 2023. You wish to expand and continue operating anhydrous ammonia storage, handling, and distribution facilities at NW 1/4 16-25-19 WPM in the Rural Municipality of Dauphin.

All licence requirements and federal, provincial, and municipal regulations and by-laws must be followed. The licensee must get approval from the director per The Environment Act to alter the development.

Anyone affected by this decision may appeal, in writing, to the Minister of Environment and Climate Change at minecc@manitoba.ca by May 15, 2024. The licence is available on the public registry at <https://www.gov.mb.ca/sd/eal/registries/index.html>.

If you have any questions regarding this approval, please contact Kristy Forrestall, Regional Supervisor, Environmental Compliance and Enforcement Branch at EnvCEWestern@gov.mb.ca or 204-573-0518.

Sincerely,

Original Signed By
Agnes Wittmann
Director
The Environment Act

Enclosure

c. Kristy Forrestall

LICENCE

File No.: 6213.00

Licence No. / licence n°: **3420**

Issue Date / Date de délivrance : **April 15, 2024**

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 Sections 10(1) and 14(2) / Conformément au Paragraphe 10(1) et 14(2)

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

Dauphin Consumers Cooperative Limited; "the licensee"

for the expansion and continued operation of the development being anhydrous ammonia storage, handling, and distribution facilities located at NW 1/4 16-25-19 WPM in the Rural Municipality of Dauphin, in accordance with the proposal dated December 13, 2023, submitted on December 15, 2023, and subject to the following specifications, limits, terms, and conditions:

DEFINITIONS

In this licence;

"accredited laboratory" means an analytical facility accredited by the Standards Council of Canada (SCC), or accredited by another accrediting agency recognized by Manitoba Environment and Climate Change 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;

"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;

"approved" means approved by the director or assigned environment officer in writing;

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

"dangerous goods" means any product, substance or organism designated in the regulations, or conforming with the criteria set out in the regulations, or in any regulation adopted in accordance with The Dangerous Goods Handling and Transportation Act, and includes hazardous wastes;

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

"environment officer" 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 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 unwanted sound 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 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 odour, smell or 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;

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

"pollutant" means a pollutant as defined in 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.

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.

Retain Copy of Licence

1. The licensee shall at all times maintain a copy of this licence at the development or at the premises from which the development's operations are managed.

Future Sampling

2. In addition to any of the limits, terms and conditions specified in this licence, the licensee shall, upon the request of the director:
 - a) sample, monitor, analyze and/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 or emission rates, for such duration and at such frequencies as may be specified;
 - b) determine the environmental impact associated with the release of any pollutant(s) 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, 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.
3. The licensee 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, compost, 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, in writing and in an electronic format acceptable to the director, within 60 days of the samples being taken.

Reporting Format

4. The licensee shall submit all information required to be provided to the director or environment officer under this licence, in written and electronic format, in such form (including number of copies) and of such content as may be required by the director or environment officer, and each submission shall be clearly labeled with the licence number and client file number associated with this licence.

Equipment Breakdown

5. The licensee shall, in the case of physical or mechanical equipment breakdown or process upset where such breakdown or process upset results or may result in the release of a pollutant in an amount or concentration, or at a level or rate of release, that causes or may cause a significant adverse effect, immediately report the event by calling the 24-hour environmental accident reporting line at 204-944-4888 (toll-free 1-855-944-4888). The report shall indicate the nature of the event, the time and estimated duration of the event and the reason for the event.
6. The licensee shall, following the reporting of an event pursuant to Clause 5,
 - a) identify the repairs required to the mechanical equipment;
 - b) undertake all repairs to minimize unauthorized discharges of a pollutant;
 - c) complete the repairs in accordance with any written instructions of the director; and
 - d) submit a report to the director about the causes of breakdown and measures taken, within one week of the repairs being done.

Environmental Coordinator

7. The licensee shall designate an employee, within 60 days of the date of issuance of this licence, as the licensee's environmental coordinator, whose job description will include assisting the licensee in complying with the limits, terms and conditions in this licence and assisting Senior Management of the licensee to manage environmental issues at the development. The name of the Environmental Coordinator shall be submitted in writing to the director within 14 days of appointment and any subsequent appointment.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Approvals and Permits

8. The licensee shall obtain all necessary federal, provincial and/or municipal licences, authorizations, permits and/or approvals for construction and operation of the development.

Respecting the Operation of the Development

9. The licensee shall implement a high standard of equipment maintenance and good housekeeping and operational practices with respect to the development, at all times.
10. The licensee shall not direct pollutants into any surface drainage route leading off the property of the development or into the local groundwater.

Additional Permits

11. The licensee shall obtain all necessary municipal, provincial and federal permits, and approvals for construction of relevant components of the development prior to commencement of construction.

Heritage Resources

12. The licensee shall comply with the requirements of The Heritage Resources Act and suspend construction and immediately notify the Historic Resources Branch if heritage resources are encountered during the construction of the development.

Respecting Chemical Storage and Spill Containment

13. The licensee shall comply with all the applicable requirements of:
 - a) Manitoba's Storage and Handling of Petroleum Products and Allied Products Regulation or any future amendment thereof;
 - b) The Dangerous Goods Handling and Transportation Act, and regulations issued thereunder, respecting the handling, transport, storage, and disposal of any dangerous goods brought onto or generated at the development; and
 - c) Manitoba Fire Code Regulation
14. The licensee shall provide containment for all vessels containing chemicals in each area of the development where the chemicals are stored, loaded, transferred, used, or otherwise handled, in compliance with the Manitoba Fire Code Regulation, or any future amendment thereof, such that any product leakage or spillage and any contaminated liquid generated is contained within the development and contamination of groundwater and surface water is prevented.
15. The licensee shall construct a Safety plan that complies with Manitoba Fire Code, in consultation with the local fire department.

Respecting Solid Wastes

16. The licensee shall not undertake any on-site burning of solid waste.
17. The licensee shall minimize the generation of domestic solid waste and maximize, wherever possible, the collection and recycling of recyclable wastes generated through the operation of the development.
18. The licensee shall dispose of solid waste from the development at a waste disposal ground operating under the authority of a permit issued pursuant to Manitoba's Waste Management Regulation, or any future amendment thereof, or a licence issued pursuant to The Environment Act.

Respecting Liquid Emissions

19. 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 or director.

20. 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 a designated environment officer or director 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.
21. The licensee shall not direct any spillage, contaminated run-off, or pollutant, other than wastewater, to an approved wastewater disposal system.
22. 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.
23. 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 Air Emissions

24. The licensee 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.
25. The licensee shall not cause or permit a noise 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 specify to eliminate or mitigate a noise nuisance.

Respecting Anhydrous Ammonia

26. The licensee shall meet or exceed the most recent version of the Fertilizer Canada Anhydrous Ammonia Code of Practice and possess a valid Certificate of Compliance.
27. The licensee shall not emit ammonia from the development such that the ambient concentration of ammonia in air is in excess of:
 - a) 10 parts per million at any time when measured at any point beyond the property line of the development; or
 - b) 2 parts per million as a 1-hour average when measured at any point beyond the property line of development.

Respecting Emergency Response Planning

28. 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 Compliance

29. The licensee shall submit a Notice of Alteration and obtain director's approval for proposed changes to the development as licensed prior to implementing any changes.

Respecting Alterations

30. The licensee shall notify the director and receive approval for any alterations to the development as licensed, prior to proceeding with such alterations.

Respecting Decommissioning

31. The licensee shall, at the request of the director, in the event that the development is permanently closed, conduct an investigation in accordance with "Environmental Site Assessments in Manitoba" (June 2016), to the satisfaction of the director, to identify any contamination which may have resulted from the operation of the development.
32. The licensee shall, where the investigation referred to in Clause 31 of this licence shows that contamination of the environment has occurred, submit a remediation proposal, within sixty (60) days, to the director and, upon approval of this proposal by the director, the required remediation shall be carried out by the licensee.

REVIEW AND REVOCATION

- A. If, in the opinion of the director, the licensee 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, 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.
- C. If the licensee has not commenced construction of the development within three years of the date of this licence, the licence is revoked.

Original Signed By
Agnes Wittmann
Director
The Environment Act