

# Environment Act Licence

Manitoba  
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Manitoba



# Loi sur l'environnement Licence

Licence No./Licence n° 1975 R

Issue Date/Date de délivrance January 3, 1995

Revised: November 27, 2006

IN ACCORDANCE WITH THE ENVIRONMENT ACT (C.C.S.M. c. E125)  
THIS LICENCE IS ISSUED PURSUANT TO SECTION 10(1) AND 14(1) TO:

CARGILL LIMITED - DAUPHIN; "the Licencee"

for the upgrading and operation of the Development being a bulk liquid fertilizer blending/storage, an anhydrous ammonia storage tank, and distributing facilities to be located on the NW 1/4 12-25-20 WPM in the Rural Municipality of Dauphin, subject to the following specifications, limits, terms and conditions:

## DEFINITIONS

In this Licence,

**"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;

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

“**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;

“**L<sub>eq</sub> (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;

“**L<sub>eq</sub>(1)**” means the L<sub>eq</sub> 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;

“**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 comply with all applicable federal and provincial regulations.
2. The Licencee shall install and maintain, for any structures used for the storage of crop protection chemicals, an automatic system(s) for fire detection and security.
3. The Licencee shall ensure that a high standard of equipment maintenance and good housekeeping and operational practices are carried out with respect to the Development, at all times.
4. 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**

5. 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.
6. 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.
7. The Licencee shall not emit odour from any part or process of the Development such that any emission is detectable when measured at a point of reception:
  - i) within an area which is zoned as residential or commercial when one volume of odorous air is diluted with one equal volume of odour-free air; or
  - ii) within an area which is zoned as industrial when one volume of odorous air is diluted with six equal volumes of odour-free air.

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 residential, exceeds the following  $\{L_{eq}(1)\}$  limits:
  - i) subject to sub-Clause 8 (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.
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 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.
10. 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**

11. The Licencee shall not direct any spillage, contaminated run-off or pollutant, other than sewage, to an approved sewage disposal system.
12. The Licencee shall contain and clean up immediately any chemical spills to prevent soil, surface water or ground water contamination.

## **III - REMEDIAL ACTION**

13. The Licencee, upon obtaining approval from an Environment Officer, shall immediately dispose of any contaminated material in accordance with the approval.
14. 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 - ANHYDROUS AMMONIA SETBACK DISTANCES**

15. The Licencee shall locate any permanent anhydrous ammonia tank(s) used for the on-site storage of ammonia prior to redistribution, a minimum distance of:
  - i) 800 metres from residential areas, schools, hospitals and other institutions;
  - ii) 100 metres from a single isolated residence; and
  - iii) 100 metres from the edge of the right of way of a highway.

### **V - EMERGENCY CONTINGENCY PLAN**

16. 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.

### **VI - FERTILIZER PRODUCTS**

17. The Licencee shall grade and/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 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.
19. The Licencee shall maintain the containment area volume capacity in Clause 18 of this Licence by the immediate removal and disposal, in a manner approved by the Director, of all accumulated fluids.

### **VIII - SAMPLING AND ANALYSIS**

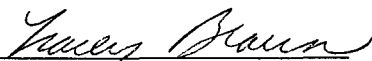
20. The Licencee, at the request of the Director, shall conduct soil, air (stack and/or ambient), ground water, surface water or noise monitoring at or adjacent to the Development.
21. The Licencee shall have each soil, air, or water sample collected pursuant to Clause 20 analysed by a laboratory approved 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) Pesticides; and
  - vii) 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.

**V - 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**

- A. Environment Act Licence No. 1975 is hereby rescinded.
- B. If in the opinion of the Director the Licencee has exceeded or is exceeding the specifications, limits, terms or conditions set out herein, the Director may revoke, temporarily or permanently, this Licence.

  
**Tracey Braun, M.Sc.**  
**Director**  
**Environment Act**

**File No.: 3859.00**



**Conservation**

Environmental Stewardship Division  
Environmental Assessment and Licensing Branch  
123 Main Street, Suite 160, Winnipeg, Manitoba R3C 1A5  
T 204 945-7100 F 204 945-5229  
[www.gov.mb.ca/conservation/envapprovals](http://www.gov.mb.ca/conservation/envapprovals)

**FAXED**

**CLIENT FILE NO.: 3859.00**

November 27, 2006

Mr. Cameron Funk  
Cargill Law  
PO Box 5900  
Winnipeg MB R3C 4C5

Dear Mr. Funk:

Further to your correspondence of November 17, 2006 enclosed is revised Environment Act Licence No. **1975 R** dated November 27, 2006 re-issued in the name of **Cargill Limited**.

In addition to the enclosed Revised 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 Revised Licence, please feel free to contact Tim Prawdzik at (204) 622-2123.

Please ensure your client has a copy of this Licence and available at the development at all times.

Yours truly,

Tracey Braun, M. Sc.  
Director  
Environment Act

Enc.

c: B. Wright, Regional Director, Western Region, Conservation  
Tim Prawdzik, Environment Officer  
R.M. of Dauphin

**NOTE:** Confirmation of Receipt of this Revised Licence (*by the Licensee only*) is required by the Director of Environmental Assessment & Licensing. Please acknowledge receipt by signing in the space provided below and faxing back to the Department by November 30, 2006.

\_\_\_\_\_  
On behalf of Cargill Limited

\_\_\_\_\_  
Date

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