

Manitoba



**Conservation and Water Stewardship**

Climate Change and Environmental Protection Division  
Environmental Approvals Branch  
123 Main Street, Suite 160, Winnipeg, Manitoba R3C 1A5  
T 204 945-8321 F 204 945-5229  
www.gov.mb.ca/conservation/eal

**CLIENT FILE NO.: 5608.00**

January 30, 2013

Trudy Heal, President  
Best Cooking Pulses Inc.  
124-10<sup>th</sup> Street  
Portage la Prairie MB R1N 1B5

Dear Ms. Heal:

Enclosed is **Environment Act Licence No. 3033** dated January 30, 2013 issued to **Best Cooking Pulses Inc.** for the continued operation of the Development being a food processing facility located 124 -10<sup>th</sup> Street NE in the City of Portage la Prairie, and in accordance with the Proposal filed under *The Environment Act* on August 31, 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 Ray Reichelt, Environment Officer at 204-239-3608.

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,

A handwritten signature in cursive script, appearing to read "Tracey Braun".

Tracey Braun, M.Sc.  
Director  
Environment Act

c: Don Labossiere, Director, Environmental Compliance and Enforcement  
Ray Reichelt, Environment Officer (via email)  
Public Registries

**NOTE:** Confirmation of Receipt of this Licence No. 3033 (*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 February 14, 2013.

On behalf of Best Cooking Pulses Inc.

Date

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

Licence No. / Licence n° 3033

Issue Date / Date de délivrance January 30, 2013

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:**

**BEST COOKING PULSES INC. – CITY OF PORTAGE LA PRAIRIE:**  
**"the Licencee"**

for the continued operation of the Development being a food processing facility located 124 - 10<sup>th</sup> Street NE in the City of Portage la Prairie, and in accordance with the Proposal filed under *The Environment Act* on August 31, 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;

"**affected area**" means a geographical area, excluding the property of the Development;

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

"**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 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 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;

**"secondary containment area"** means an area designed and constructed to contain any liquids, including chemicals and fire water, resulting from a significant event such as a fire, and prevents the release of pollutants beyond the containment area; and

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

### TERMS AND CONDITIONS

1. 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 labeled with the Licence Number and Client File Number associated with this Licence.
2. The Licencee shall, in addition to any of the following specifications, limits, terms and conditions specified in this Licence, 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 or ambient quality, aquatic toxicity, leachate characteristics and discharge emission rates, for such duration and at such frequencies as may be specified;
  - b) determine the environmental impact associated with the release of any pollutants 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, flow rate measurements and such other information as may from time to time be requested.
3. 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) only utilize an accredited laboratory for analytical determinations; and
  - d) report the results to the Director within 60 days of the samples being taken, or within another timeframe as specified by the Director.

### SPECIFICATIONS, LIMITS AND CONDITIONS

#### Respecting Construction and Operation

4. Licencee shall obtain all necessary municipal, provincial and federal permits and approvals for construction of relevant components of the Development prior to commencement of construction.

5. The Licencee shall, at all times during the operation of the Development, implement a high standard of equipment maintenance and operational practices.
6. The Licencee shall reduce the production and dissemination of wastes by initiating and maintaining waste reduction and waste recycling programs.
7. 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 this Licence, *The Environment Act*, another Act of the Legislature, or an Act of Parliament, or in regulation, licence, permit, order, instruction, directive or other approval or authorization issued or made under one of those Acts, immediately report the release, spill, leak or discharge by calling 204-944-4888. The report shall indicate the nature of the release, leak, spill or discharge, the time and estimated duration of the event and the reason for the release, spill leak or discharge.

**Respecting Air Emissions (Respecting Emissions)**

8. 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.
9. The Licencee shall not cause or permit a noise nuisance to be created as a result of the operation of the Development, and shall take such steps as the Director may require to eliminate or mitigate a noise nuisance.
10. The Licencee 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.

**Respecting Air Pollution Control**

11. The Licencee shall prevent the entrainment of particulate matter into the air at the Development resulting from the operation, vehicles, transportation and/or handling of products.

**Respecting Air Pollution Control Equipment**

12. The Licencee shall direct all air streams, which contain a pollutant(s) of concern to the Director, to a pollution control device which has been designed for and demonstrated to be capable of reducing, altering, eliminating or otherwise treating the pollutant(s).
13. The Licencee shall submit for the Director's approval, within 45 days of the issuance of this Licence, a standard operating procedural manual and a maintenance schedule for each air emission pollution control device based on the manufacturer's specifications and recommendations.
14. The Licencee, upon receiving the Director's approval as required in Clause 13 of this Licence, shall not operate any process directing an emission to an air pollution control device at the Development unless:
- a) the operating and maintenance measures and status of the device are in full compliance with the approved procedures and timetables;
  - b) all emissions from the process are directed to the fully operational air pollution control device;
  - c) the emissions do not contain concentrations of pollutants which:
    - i) are in violation of any other applicable legal instrument including an Act, Regulation or by-law; or
    - ii) otherwise create a significant negative environmental or health impact in the affected area.
15. The Licencee shall maintain a log book of the most recent 24 month period to record any downtime of an air pollution control device due to either the breakdown or maintenance of that air pollution control device. The log book shall be kept at the Development and shall be available upon request for inspection by an Environment Officer. The log book shall record, at minimum, the following information:
- a) identification of the air pollution control device and the process(es) it serves;
  - b) time/date of log entry;
  - c) nature of event;
  - d) duration of event;
  - e) the accumulated downtime of this air pollution control device for the events for each calendar year; and
  - f) signature of the Environmental Coordinator.

16. The Licencee shall handle, store and dispose of all pollutants collected by the air pollution control equipment in a manner suitable to their characterization as type of waste or dangerous good.
17. The Licencee, upon the written request of and in a timeframe stipulated by the Director, shall comply with any air emission or ambient air quality criteria specified by the Director for any pollutant of concern to the Director which has been identified pursuant to Clause 2, 8, 11, or 12 of this Licence.

#### **Respecting Chemical Storage and Spill Containment**

18. The Licencee shall provide containment for all vessels containing chemicals and in each area of the Development where the chemicals are stored, loaded, transferred, used or otherwise handled, in compliance with the National Fire Code of Canada (2010), 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.
19. The Licencee shall, in a manner approved by the Director, remove and dispose of all spilled dangerous goods.

#### **Respecting Liquid Emissions**

20. The licencee 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.
21. The Licencee shall ensure storm water or surface water that has accumulated in the secondary containment area is only removed 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 Licencee must receive authorization from an Environment Officer from the designated Regional Office of Manitoba Conservation and Water Stewardship 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.
22. The Licencee shall not direct any spillage, contaminated run-off or pollutant, other than sewage, to an approved sewage disposal system.
23. The Licencee shall contain and clean up immediately any pest control product or chemical spills in order to prevent soil, surface water or ground water contamination.

**Respecting Emergency Response Planning**

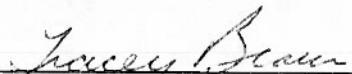
24. The Licencee shall prepare and maintain an emergency response contingency plan in accordance with the Canadian Centre for Occupational Health and Safety "Emergency Response Planning Guide" or other emergency planning document acceptable to the Director

**Respecting Site Decommissioning**

25. 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.
26. The Licencee shall implement, on closure of the facility, the approved Decommissioning Plan.

**REVIEW AND REVOCATION**

- A. If construction of the Development is not commenced within three years of the date of this Licence, the Licence is revoked.
- B. 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.
- 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*.

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