



Conservation

Environmental Stewardship Division
Environmental Assessment and Licensing Branch
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FAXED

CLIENT FILE NO.: 3522.10

May 8, 2008

Dwayne Blatt
Viterra
201 Portage Avenue
Winnipeg MB R3C 3A7

Dear Mr. Blatt:

Our records have been updated to reflect the transfer of Agricore United Environment Act Licence No. 1624 R to Viterra. Enclosed is Revised Environment Act Licence No. 1624 RR dated May 8, 2008 re-issued in the name of Viterra.

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 Licence, please feel free to contact Ken Plews at (204)-945-7067.

Please ensure that the original or copy of the revised Licence and covering letter are available on site.

Yours truly,

Tracey Braum, M. Sc.
Director
Environment Act

Enc.

- c: B. Gillespie, Regional Director, Central Region, Conservation
- c: R.M. of Pembina

NOTE: Confirmation of Receipt of this Licence No. 1624 RR (*by the Licensee only*) is required by the Director of Approvals. Please acknowledge receipt by signing in the space provided below and faxing a copy back to the Department by May 16, 2008.

On behalf of Viterra

Date

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

LICENCE

Licence No. / Licence n° 1624 RR

Issue Date / Date de délivrance February 1, 1993

REVISED : August 18, 2004

REVISED : May 8, 2008

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 :

VITERRA – DARLINGFORD; “the Licencee”

for the construction and operation of the Development being an anhydrous ammonia storage and handling facility, at SW 1/4 of 9-3-7 near the Town of Darlingford in the Rural Municipality of Pembina, and 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;

“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;

“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 operation;

“dB” (decibel) means a dimensionless measure of sound level or sound pressure level, where;

“chemical products” includes but is not limited to petroleum products, fertilizers and pesticides;

“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

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“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;

"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;

"permanent anhydrous ammonia tank(s)" means any storage container certified for the storage of anhydrous ammonia which is attached to a fixed, non-moveable 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 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.
2. 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

3. 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.

4. 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.

5. 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 5 (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.

6. 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.

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, beyond the property line of the Development and within an area which is zoned as industrial, exceeds an Leq(1) of 70 dBA at any time.

II - LIQUID EMISSIONS

8. The Licencee shall not direct any spillage, contaminated run-off or pollutant, other than sewage, to a sewage disposal system.
9. The Licencee shall contain spills within the property line of the Development such that soil, surface water and ground water contamination are prevented.

III - REMEDIAL ACTION

10. The Licencee, upon obtaining approval from an Environment Officer, shall immediately dispose of any contaminated material.
11. 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 - SETBACK DISTANCES

12. 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

13. 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 must include, but is not limited to, items which will address: measures implemented for spill prevention and containment; security; personnel training; fire and other response arrangements.


VI - SAMPLING AND ANALYSIS

14. The Licencee, at the request of the Director, shall conduct soil and/or ground water sampling at or adjacent to the Development.
15. The Licencee shall have each sample collected pursuant to Clause 14 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) NH₃ - N (Sol.);
 - ii) NO₃ -NO₂ - N (Diss.); and
 - iii) Kjeldhal, Total – N.
16. The Licencee shall submit a copy of the sampling report complete with analytical results as specified pursuant to Clauses 14 and 15 of this Licence, to the Director within 60 days of the completion of the sampling program.

17. Environment Act Licence No. 1232 is hereby rescinded.

REVOCATION

- A. This Licence replaces Licence No. 1624 R which 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. 3522.10

RESCINDED