



Conservation and Climate

Environmental Stewardship Division
Environmental Approvals Branch
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File No: 4330.00

December 24, 2020

Randi Kozak
Safety, Health and Environment Manager
Nutrien Ag Solutions (Canada) Inc.
Unit E-759 First St.
Brandon MB R7A 2X5
Randi.Kozak@nutrien.com

Dear Randi Kozak:

Re: Environment Act Licence No. 2344 RRR

Enclosed is Environment Act Licence No. 2344 RRR, issued to Nutrien Ag Solutions (Canada) Inc. for the continued operation of the Development being an agrichemical warehouse, a bulk granular fertilizer blending/storage facility, and anhydrous ammonia storage and distribution facility located at SE ¼ 24-7-28 WPM in the Rural Municipality of Pipestone.

This licence was amended as per the Notice of Alterations filed on January 19, 2015 and July 1, 2018, requesting an alteration to change the legal operating name of the Development and to reflect current operating practices. Since the nature of the alteration does not alter the environmental effects, this alteration can be approved pursuant to Section 14(2) of The Environment Act.

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.

If you have any questions on this matter, please contact Kristy Forrestall, District Supervisor, Manitoba Conservation and Climate at Kristy.Forrestall@gov.mb.ca or 204-573-0518.

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 Climate within 30 days of the date of the licence.

Sincerely,

Original Signed by Kristal Harman
For
Shannon Kohler, Director
The Environment Act

cc: Kristal Harman, Yvonne Hawryliuk, Kristy Forrestall – Environmental Compliance and Enforcement
Jen Webb, Krystal Penner – Environmental Approvals
Public Registries

File No.: 4330.00

Licence No. / Licence n° 2344 RRR
Issue Date / Date de délivrance July 16, 1998
Revised: July 21, 2004
Revised: May 21, 2004
Revised: December 24, 2020

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 Paragraphes 10(1) et 14(2)

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

Nutrien Ag Solutions (Canada) Inc.:
"the Licencee"

for the continued operation of the Development being a agrichemical warehouse, a bulk granular fertilizer blending/storage, an anhydrous ammonia storage and distribution facility located at SE ¼ 24-7-28 WPM in the Rural Municipality of Pipestone, in accordance with the initial Proposal filed under The Environment Act on May 8, 1998 and any supporting information filed in association with the proposal including Notice of Alterations filed on January 19, 2015 and July 1, 2018 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 Conservation and Climate 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;

"**agrchemical warehouse**" means any building(s) where pest control products are stored for either commercial or retail purposes;

"**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 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;

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

"pest control product" means any product as defined in the federal Pest Control Products Act;

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

"secondary containment area" means, for an Agrichemical Warehouse (or crop protection products warehouse), 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;

"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; and

"wastewater" means the spent or used water of a community or industry which contains dissolved and suspended matter.

GENERAL TERMS AND CONDITIONS

This Section of the Licence contains requirements intended to provide guidance to the Licencee 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.

1. The Licencee 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.
2. 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) 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.

Additional Reporting

3. 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.

Reporting Format

4. The Licencee 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 File Number associated with this Licence.

Odour

5. 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.

Noise

6. The Licencee 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 require to eliminate or mitigate a noise nuisance.

SPECIFICATIONS, LIMITS AND CONDITIONS

Additional Permits

7. The 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.

Maintenance

8. The Licencee shall, at all times during the operation of the Development, implement a high standard of equipment maintenance and operational practices.

Recycling

9. The Licencee shall reduce the production and dissemination of wastes by initiating and maintaining waste reduction and waste recycling programs.

Heritage Resources

10. The Licencee 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.

Environmental Accident Reporting

11. The Licencee 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.
12. The Licencee shall, following the reporting of an event pursuant to Clause 11,
 - 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.

Granular Fertilizer

13. The Licencee shall surface, grade, dyke and/or curb all areas where granular fertilizer is stored, loaded, blended, transferred or otherwise handled with concrete or 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.

Pest Control Products

14. The Licencee shall meet or exceed the current guidelines for Agrichemical Warehousing Standards Association (AWSA) certification regarding the handling and storage of pest control products.
15. The Licencee shall design and construct the secondary containment area for agrichemical warehouses such that it is protected with a minimum of 45 centimetres of compacted clay material or other materials approved by the Director.
16. The Licencee shall inspect the surface of the secondary containment area semiannually for desiccation cracks, so that the secondary containment area's continuity is maintained.
17. The Licencee shall construct and maintain concrete floors with a minimum 10 centimetres retention curbing around the perimeter of all agrichemical warehouses so as to prevent spilled liquids from leaking into the soil.
18. The Licencee shall install and maintain, for all agrichemical warehouses, an automatic system for fire detection and security.
19. The Licencee shall create and maintain current duplicate inventories of all pest control products stored at the Development, with one copy stored at the premises of the Development, and the other copy stored at a location off-site from the Development.
20. The Licencee shall store only pest control products registered under the federal Pest Control Products Act at the Development.
21. The Licencee shall not mix pest control products or fill or re-fill pest control product containers at the Development.
22. The Licencee shall locate pest control products storage structures a minimum distance of:
 - a) 100 metres from any property zoned residential; and
 - b) 100 metres from single residencesunless a written consent form is obtained from the owner(s) and approved by the Director.

Air Emissions

23. 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.

Chemical Storage and Spill Containment

24. The Licencee shall ensure fuel storage containers incorporate secondary containment satisfactory to an Environment Officer.
25. The Licencee shall comply with all the applicable requirements of:
- a) Manitoba Regulation 188/2001 the Storage and Handling of Petroleum Products and Allied Products, 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) the Office of the Fire Commissioner – Province of Manitoba.
26. The Licencee 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 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 is prevented.
27. The Licencee shall, in a manner approved by the Director, remove and dispose of all spilled dangerous goods.

Liquid Emissions

28. 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 and be made available at the request of an Environment Officer or Director.
29. The Licencee shall not direct any spillage, contaminated run-off or pollutant, other than wastewater, to an approved wastewater disposal system.
30. 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.
31. 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 a chemical.

Anhydrous Ammonia

32. The Licencee shall install a minimum 1.8 metre high fence surrounding the Anhydrous Ammonia Tank(s) to discourage access by unauthorized persons.
33. The Licencee 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 an 1-hour average when measured at any point beyond the property line of Development.
34. The Licencee shall meet or exceed the most recent version of the "Fertilizer Safety & Security Council - Ammonia Code of Practice & Implementation Guide" and possess a valid Certificate of Compliance.

Emergency Response Planning – Anhydrous Ammonia Sites

35. The Licencee shall prepare and maintain an emergency response contingency plan for the Anhydrous Ammonia components of the Development in accordance with the most recent version of the Fertilizer Safety & Security Council Ammonia Code of Practice & Implementation Guide.

Alterations and Decommissioning

36. The Licencee shall obtain approval, in writing, from the Director for any proposed alteration or expansion to the Facility which is likely to cause a significant environment effect or could affect compliance with any Clause(s) of this Licence, before proceeding with the alteration.
37. The Licencee shall, at the request of the Director, in the event that the Facility 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 Facility.
38. The Licencee shall, where the investigation referred to in Clause 37 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 Licencee.

REVIEW AND REVOCATION

- A. This Licence replaces Environment Act Licence No. 2344 RR which is now hereby rescinded.
- 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.

Original Signed by Kristal Harman
For

Shannon Kohler, Director
The Environment Act