



**Conservation and Water Stewardship**  
Environmental Stewardship Division  
Environmental Approvals Branch  
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[www.gov.mb.ca/conservation/eal](http://www.gov.mb.ca/conservation/eal)

**CLIENT FILE NO.: 5717.00**

September 16, 2014

Tim Winter  
Ag Advantage Ltd.  
Box 5, Group 40  
Marquette MB R0H 0V0

Dear Mr. Winter:

Enclosed is **Environment Act Licence No. 3119** dated September 16, 2014 issued to **6853383 MB Ltd. O/A Ag Advantage Ltd.** for the operation of the Development being a bulk materials handling facility consisting of a crop protection products warehouse to be located at Lot 1, Plan 49212, NE 09-11-05 EPM in the Rural Municipality of Springfield, and in accordance with the Proposal filed under *The Environment Act* on May 23, 2014.

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 Yvonne Hawryliuk, Environmental Officer at 204-945-5305.

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,

*“original signed by”*

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

c: Don Labossiere, Director, Environmental Compliance and Enforcement Branch  
Donna Smiley, ECE Branch; David Klassen, Kelsen Agriculture Inc.; Dan Doucet, R.M. of  
Springfield (via email)  
Public Registries

**NOTE:** Confirmation of Receipt of this Licence No. 3119 (by the Licensee only) is required by the Director of Environmental Approvals. Please acknowledge receipt by signing in the space provided below and faxing a copy (letter only) to the Department by September 30, 2014.

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On behalf of 6853383 MB Ltd. O/A Ag Advantage Ltd.

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Date

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

Licence No. / Licence n°

3119

Issue Date / Date de délivrance

September 16, 2014

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:**

**6853383 MB LTD. O/A AG ADVANTAGE LTD.**  
**"the Licencee"**

for the operation of the Development being a bulk materials handling facility consisting of a crop protection products warehouse to be located at Lot 1, Plan 49212, NE 09-11-05 EPM in the Rural Municipality of Springfield, and in accordance with the Proposal filed under *The Environment Act* on May 23, 2014 and subject to the following specifications, limits, terms and conditions:

### **DEFINITIONS**

"**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;

"**agricultural 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;  
term used extensively in noise nuisance and odor nuisance definitions

"**ASTM**" means the American Society for Testing and Materials;

"**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 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;

**"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;

**"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;

"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 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 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
8. The Licencee shall, following the reporting of an event pursuant to Clause 7,
  - 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.

### **Respecting Pest Control Products**

9. 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.
10. The Licencee shall design and construct the secondary containment area such that it is protected with a minimum of 45 centimetres of compacted clay material or other materials approved by the Director.
11. The Licencee shall control surface water run-off from the secondary containment area. Accumulated surface water runoff shall only be released only where there have been no documented spills, or as authorized by an Environment Officer.
12. 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.
13. 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.
14. The Licencee shall install and maintain, for all agrichemical warehouse(s), an automatic system(s) for fire detection and security
15. The Licencee shall create and maintain a current duplicate inventory 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.
16. The Licencee shall store only pest control products registered under the federal *Pest Control Products Act* at the Development.

17. The Licencee shall not mix pest control products or fill or re-fill pest control product containers at the Development.
18. The Licencee shall locate pest control products storage structure(s) 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).

### **Respecting Air Emissions (Respecting Emissions)**

19. 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.
20. 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.
21. 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 Liquid Emissions**

22. 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.
23. The Licencee 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 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.

24. The Licencee shall not direct any spillage, contaminated run-off or pollutant, other than sewage, to an approved sewage disposal system.
25. 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.
26. 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.

#### **Respecting Emergency Response Planning**

27. 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**

28. 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.
29. 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**