



Conservation and Water Stewardship

Climate Change and Environmental Protection Division
Environmental Approvals Branch
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www.gov.mb.ca/conservation/eal

CLIENT FILE NO.: 4012.00

May 3, 2012

Jon Bagley
Westman Aerial Spraying Ltd.
Site 50, Box 56, RR 5
Brandon MB R7A 5Y5

Dear Mr. Bagley:


Enclosed is **revised Environment Act Licence No. 2047 R** dated May 3, 2012 issued in accordance with *The Environment Act* to **Westman Aerial Spraying Ltd.** for the construction, alteration and continued operation of: a crop protection products warehouse distribution facility, a liquid fertilizer storage and distribution facility; and a seed treatment facility located on the S ½ 04-11-17 WPM in the Rural Municipality of Elton and in accordance with the Proposal filed on April 11, 1995, the Notice of Alteration dated March 23, 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 Peter Crocker, Environment Officer @ 204-726-6565.

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 within 30 days of the date of the Licence.

Yours truly,


Tracey Braun, M.Sc.
Director
Environment Act

Enc.

c: Don Labossiere, Director, Environmental Compliance and Enforcement
Public Registries

NOTE: Confirmation of Receipt of this Licence No. 2047 R (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 May 17, 2012.

On behalf of Westman Aerial Spraying Ltd.

Date

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

LICENCE

Licence No. / Licence n°	<u>2047 R</u>
Issue Date / Date de délivrance	<u>June 12, 1995</u>
Revised	<u>May 3, 2012</u>

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:

WESTMAN AERIAL SPRAYING LTD. - DOUGLAS:
"the Licencee"

for the construction, alteration and continued operation of: a crop protection products warehouse distribution facility, a liquid fertilizer storage and distribution facility; and a seed treatment facility located on the S ½ 04-11-17 WPM in the Rural Municipality of Elton and in accordance with the Proposal filed under *The Environment Act* on April 11, 1995, the Notice of Alteration dated March 23, 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 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 pesticides;

"Director" means an employee so designated pursuant to *The Environment Act*;

"Environment Officer" means an employee so designated pursuant to *The Environment Act*;

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“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; and

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;
- e) is the subject of at least one written complaint, received by the Director in a form satisfactory to the Director, and within a 90 day period, from a person falling within clauses a), b) or c), and the Director is of the opinion that if the unwanted sound had occurred in a more densely populated area there would have been at least 5 written complaints received within a 90 day period for 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 the 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;

“pesticide storage structure(s)” means any building(s) where agricultural crop protection products are stored for either commercial or retail purposes;

“point source” means any point of emission from a Development where pollutants are emitted to the atmosphere by means of a stack;

“secondary containment area” means an area designed and constructed to contain any liquids, including chemicals and firewater, resulting from a significant event such as a fire, and prevent the release of pollutants beyond the contained area;

“seed treatment system” means a system for treatment and storage of seeds where biological, physical or chemical agents are applied to seeds and includes an agent storage container, transfer pump, mixing drum and treated seed storage bins; and

“sewage” means household and commercial wastewater that contains human waste.

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 submit all information required to be provided to the Director under this Licence, in writing, in such form (including number of copies) and of such content as may be required by the Director, and each submission shall be clearly labelled 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, analyse 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 or 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, descriptions of sampling and analytical procedures being used, bioassay 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, TERMS AND CONDITIONS

Respecting Construction and Operation

- 4. 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.
- 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 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 204-945-4888. The report shall indicate the nature of the release, spill, leak or discharge, the time and estimated duration of the event and the reason for the release, spill leak or discharge.

Respecting Pesticides

- 8. The Licencee shall meet or exceed the current guidelines for Agrichemical Warehousing Standards Association (AWSA) certification regarding the handling and storage of crop protection chemicals.
- 9. The Licencee shall adequately dike the Development to provide a secondary containment area(s), and install a gate valve at the lowest elevation point that controls surface water run-off from the secondary containment area(s). The gate valve shall remain in the closed position except for the supervised release of the accumulated surface water runoff where there have been no documented spills, or as authorized by an Environment Officer.
- 10. The Licencee shall ensure that the secondary containment area is protected with a minimum of 45 centimetres of compacted clay material or other materials approved by the Director.

11. The Licencee shall construct and maintain concrete floors with a minimum 10 centimetres retention curbing around the perimeter of all pesticide storage structure(s) so as to prevent spilled liquids from leaking into the soil.
12. The Licencee shall install and maintain, for all pesticide storage structure(s), an automatic system(s) for fire detection and security.
13. The Licencee shall create and maintain a current duplicate inventory of all pesticides 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.
14. The Licencee shall store only pesticides registered under the federal *Pest Control Products Act* at the Development.
15. The Licencee shall locate pesticide 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 Fertilizers

16. The Licencee shall surface, grade, dike, and/or curb all areas where fertilizers are 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 area is contained within the Development.
17. The Licencee shall provide containment for the chemical tank farm storage area for a volume of liquid equal to 110% of the volume of the largest storage tank located therein.
18. The Licencee shall maintain the containment area volume capacity of Clause 17 of this Licence by the timely removal and disposal, in a manner approved by the Director, of all accumulated fluids.

Respecting Seed Treatment

19. The Licencee shall surface, grade, dike and/or curb the seed treatment system area in a manner and using materials approved by the Director, such that biological, physical or chemical agents, treated seed spillage and contaminated run-off water from this area is contained within the Development.

Respecting Air Emissions

20. 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 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.
21. The Licencee shall not cause or permit a noise nuisance to be created as a result of the operation or alteration of the Development, and shall take such steps as the Director may require to eliminate or mitigate a noise nuisance.
22. The Licencee shall not cause or permit an odour nuisance to be created as a result of the 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

23. The Licencee shall contain in the secondary containment area of the Development:
- a) any on-site chemical spill;
 - b) waste water generated from any response action due to an on-site release of chemicals; and
 - c) contaminated water resulting from the extinguishing of any fire involving chemicals.
24. The Licencee shall notify Manitoba Conservation when any spill has occurred in the secondary containment area(s). If the accumulated liquid within the secondary containment area(s) may be contaminated, it shall be sampled and the sample shall be analyzed by an accredited laboratory prior to requesting authorization for release. The results of the analysis shall be included in the request for authorization for release. Following a spill, no accumulated liquid within the secondary containment area shall be released without the prior authorization of an Environment Officer.
25. The Licencee shall not direct any spillage, contaminated run-off or pollutant, other than sewage, to a sewage disposal system.

Respecting Emergency Response Planning

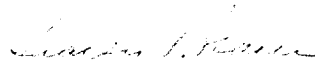
26. The Licencee shall submit, within ninety (90) days of the issuance of this Licence, an emergency response contingency plan to be approved by the Director. This plan shall include, but not be limited to, items which will address: measures implemented for spill prevention and containment; security; personnel training; and fire and other response arrangements.

Respecting Site Decommissioning

27. 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.
28. The Licencee shall implement, on closure of the facility, the approved Decommissioning Plan.

REVIEW AND REVOCATION

- A. Environment Act Licence No. 2047 is 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.



Tracey Braun, M.Sc.
Director
Environment Act

Client File No.: 4012.00