



Conservation

Environmental Stewardship Division
Environmental Assessment and Licensing Branch
123 Main Street, Suite 160, Winnipeg, Manitoba R3C 1A5
T 204 945-7100 F 204 945-5229
www.gov.mb.ca/conservation/eal

FAXED

CLIENT FILE NO.: 4273.00

February 2, 2010

Ms. Tracy Roy
Manager, Risk and Regulatory Reporting
Viterra Inc.
2625 Victoria Avenue
Regina SK S4T 7T9

Dear Ms. Roy:

Re: Viterra Inc. – Request for Minor Alteration (Elton Facility)

Thank you for your letter of December 30, 2009 requesting a minor alteration of Environment Act Licence 2296 issued on November 14, 1997 for your Elton facilities (Viterra Inc., located on SE& NE ¼ 1-12-19 WPM in the Rural Municipality of Elton). Specifically, you request to update the Licence to reflect Viterra's ownership of the facilities formerly operated under AgPro Grain Management Services Ltd.

Environment Act Licence 2296 issued on November 14, 1997 is hereby rescinded. The revised Environment Act Licence No. 2296 R is enclosed.

Ms. Krystal Penner may be contacted by phone at (204) 945-2819 or by e-mail at krystal.penner@gov.mb.ca if further information is required.

Yours truly,

Tracey Braun, M. Sc.
Director
Environment Act

Enc.

c: Don Labossiere, Director, Environmental Operations
R. M. of Elton (As Office copy & Registry)
Public Registries

NOTE: Confirmation of Receipt of this Licence No. 2296 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 February 16, 2010

On behalf of Viterra Inc.

Date

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

LICENCE

Licence No. / Licence n° 2296 R

Issue Date / Date de délivrance : November 14, 1997

Revised : February 2, 2010

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) and 14(2) / Conformément au Paragraphe 10(1) and 14(2)

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

VITERRA INC.; R.M. OF ELTON; "the Licencee"

for the operation of the Development being a grain elevator and annex storage, grain seed storage, crop protection products warehouse, bulk granular/liquid fertilizer blending/storage, anhydrous ammonia storage tank and distribution facilities to be located on the SE & NE ¼'s of 1-12-19 WPM in the Rural Municipality of Elton, in accordance with the Proposal filed under The Environment Act on September 16, 1997 and the Notice of Alteration filed on December 30, 2009; 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;

"**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;

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

"**Director**" 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 the 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;

"**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;

"**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 ducted into the atmosphere; and

"**sewage**" means human body, toilet, liquid, waterborne culinary, sink or laundry 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 meet or exceed the guidelines for Agrichemical Warehousing Standards Association (AWSA) certification.
2. The Licencee shall install and maintain, for all pesticide storage structure(s), an automatic system(s) for fire detection and security.

3. The Licencee shall, at all times during the operation of the Development, implement a high standard of equipment maintenance and operational practices.
4. The Licencee shall reduce the production and dissemination of wastes by initiating and maintaining waste reduction and waste recycling programs.
5. 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.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Respecting Construction and Operation

6. The Licencee shall protect the site retention area with a minimum of 45 centimetres of compacted clay material or other materials approved by the Director.
7. The Licencee shall inspect the surface of the site retention area semiannually for desiccation cracks, and maintain the site retention area's continuity.
8. The Licencee shall adequately dyke the Development and install mechanical control culverts at the low end of the dyked area. Those control culverts shall remain in the closed position unless authorized by the Regional Office of Manitoba Conservation in Dauphin. If the accumulated liquid may be contaminated, it shall be sampled and tested by an accredited laboratory prior to requesting authorization for release.
9. The Licencee shall construct and maintain concrete floors with a minimum 10 centimetres retention curbing around the perimeter of all chemical storage structure(s) so as to prevent spilled liquids from leaking into the soil.

Respecting Emissions

10. 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.
11. 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.
12. The Licencee shall, upon the request of the Director and in addition to any of the limits, terms or conditions specified in this Licence:
- a) sample, monitor, analyze and/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 said Development; or
 - c) 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.
13. 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.
14. The Licencee shall submit a copy of the sampling report complete with analytical results as specified pursuant to Clauses 12 and 13 of this Licence, to the Director within 60 days of the completion of the sampling program.
15. The Licencee shall contain on 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.

16. The Licencee shall clean up immediately any chemical spills in order to prevent soil, surface water or ground water contamination.
17. The Licencee, subject to obtaining approval from an Environment Officer, shall immediately dispose of any contaminated material in accordance with the approval.
18. The Licencee shall not direct any spillage, contaminated run-off or pollutant, other than sewage, to an approved sewage disposal system.

Respecting Pesticides

19. 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.
20. The Licencee shall store only pesticides registered under the federal *Pest Control Products Act* at the Development.
21. 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 Anhydrous Ammonia

22. The Licencee shall not locate any permanent anhydrous ammonia tank(s) used for the on-site storage of ammonia prior to redistribution, within:
 - a) 800 meters from residential areas, schools, hospitals, or other institutions;
 - b) 100 metres from a single isolated residence; or
 - c) 100 metres from the edge of the right of way of a highway
23. 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.
24. The Licencee shall install a minimum 2.4 metre high fence surrounding the Anhydrous Ammonia Tank to discourage access to unauthorized persons.

Respecting Fertilizers

25. The Licencee shall surface all areas of the Development where fertilizer is stored, loaded, blended, transferred or otherwise handled, in a manner and using materials approved by the Director.

26. The Licencee shall grade, dike or curb all areas where fertilizer is 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 areas is contained within the Development.

Respecting Emergency Contingency Planning

27. 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; fire and other response arrangements.

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. This Licence replaces Environment Act Licence No. 2296 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.

Tracey Braun

Tracey Braun, M.Sc.
Director
Environment Act