

# LICENCE

Licence No. / Licence n° 2555 RR

Issue Date / Date de délivrance June 19, 2002

Revised / Révisé: July 5, 2002

Revised / Révisé: May 2, 2007

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(1) / Conformément au Paragraphe 10(1) et 14(1)

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

**4444648 MANITOBA LTD.; "the Licencee"**

for the construction and operation of the Development being a permanent asphalt plant located on Lot 10 and Lot 11 on John Shott Road as shown on Plan 22403, WLTO in NW ¼ 16-11-4 EPM in the Rural Municipality of Springfield, in accordance with the Proposal under The Environment Act received March 5, 2002, 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;

"**aggregate**" means any crushed stone or slag, crushed or uncrushed gravel, sand or mineral filler;

"**approved**" means approved by the Director in writing;

"**asphalt or asphalt based material**" means a material produced as a result of crude oil distillation or solvent precipitation which is used as a binder or cementing agent when combined with aggregate and includes asphalt cement, cutback asphalt and emulsified asphalt;

**"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 a continuous or repeated noise 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 noise

- 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 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 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 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;

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

**"QA/QC"** means quality assurance/quality control;

**"RAP"** means any recycled material containing asphalt or asphalt based material;

**"sewage"** means human body, toilet, liquid, waterborne culinary, sink or laundry waste;

**"significant"** means of important negative consequence as determined by an individual with demonstrated expertise who is qualified to make such judgments;

**"stack"** means a duct, pipe, chimney, vent, opening or other structure through which pollutants are emitted to the atmosphere;

**"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 any liquid containing a pollutant as defined in The Environment Act, associated with or resulting from the Development which is discharged into the environment.

### **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 implement a high standard of equipment maintenance and good housekeeping and operational practices 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.
3. 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.
4. 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) ensure that all analytical determinations are undertaken by an accredited laboratory; and
  - d) report the results to the Director within 60 days of the samples being taken.
5. The Licencee shall carry out any remedial measures, modifications, or alterations, as deemed necessary by the Director, in respect to matters authorized under this Licence.
6. 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.

### **LIMITS, TERMS AND CONDITIONS**

#### **Respecting Air Emissions**

7. The Licencee shall not emit from the Development:
- a) particulate matter in any air emission that:
    - i) exceeds 0.23 grams per dry standard cubic metre calculated at 25 degrees Celsius and 760 millimetres of mercury, 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) particulate matter from any point source with an opacity that 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.

8. 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.
9. 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 Air Pollution Control**

10. The Licencee shall not process RAP at the Development at a rate greater than 20% of the total asphalt mix design.
11. The Licencee shall prevent the entrainment of particulate matter into the air at the Development resulting from the operation of vehicles or the transportation, storage or handling of aggregate or other material.
12. The Licencee shall, unless otherwise approved by the Director, for any process at the Development that causes a pollutant(s) to be directed into the air:
  - a) contain the pollutant(s) so as to prevent its release and dispersion; or
  - b) direct the polluted air stream to a pollution control device or system which has been designed for and demonstrated to be appropriate for reducing, altering, eliminating or otherwise acceptably treating or removing the pollutant(s);such that compliance is maintained with any other applicable condition of this Licence.
13. The Licencee shall, within 30 days of the issuance of this Licence, or other time frame approved by the Director, submit for the Directors approval, a standard operating manual and a maintenance schedule for each air emission pollution control device or system based on the manufacturers recommendations.
14. The Licencee shall not operate any process directing an emission to an air pollution control device or system at the Development unless:
  - a) the operating and maintenance measures and status of the device or system are in full compliance with the approved procedure and schedule;
  - b) all treated emissions from the air pollution control device or system are immediately directed to a stack; and
  - c) the treated emissions from the air pollution control device or system do not contain concentrations of pollutants which:
    - i) are in violation of any applicable legal instrument including this Licence, an Act, Regulation or by-law; or
    - ii) otherwise create a significant health or environmental impact beyond the boundaries of the Development.

15. The Licencee shall maintain a log book of the most recent 24 month period to record all events and maintenances for each air pollution control device or system. The log book shall be kept at the Development and shall be available upon request for inspection by an Environment Officer. The log book shall record, at minimum, the following information:
  - a) identification of the unit and the process(s) it serves;
  - b) time/date of log entry; and
  - c) nature of event/maintenance.
16. The Licencee shall handle, store and dispose of all pollutants collected by the air pollution control equipment in a manner suitable to their characterization as type of waste or dangerous good.

#### **Respecting Air Emission Sampling and Analysis**

17. The Licencee shall, upon written request from the Director, provide a stack or stacks including all necessary sampling facilities for the sampling of air emissions at the Development. The stack or stacks shall be provided:
  - a) at a location(s) and within a time frame satisfactory to the Director; and
  - b) to the specifications and in accordance with the most recent version of Manitoba Conservation Guideline, *Guideline for Stack Sampling Facilities*, unless otherwise approved by the Director.
18. The Licencee shall, upon a written request from the Director, submit a detailed plan which is acceptable to and approved by the Director, for the sampling and analysis of potential air pollutants, released as stationary point and fugitive emissions, including any compounds determined by the Director. The plan shall identify the rationale for the sampling, the ways and means by which the sampling program will be implemented including any special measures or methods which would be necessitated by influencing factors such as unfavourable weather conditions, the need for large or additional sample volumes, the need for multiple sampling runs, the methods used for the sampling and the analysis for each compound, the detection level to be attained, a comprehensive QA/QC program, and other items as may be identified by the Director.
19. The Licencee shall perform all stack sampling in accordance with the most recent version of Manitoba Conservation Report No. 96-07, *Interim Stack Sampling Performance Protocol*, unless otherwise approved by the Director.
20. The Licencee shall arrange the scheduling of the sampling program, submitted and approved pursuant to Clause 18, of this Licence, such that a representative of Manitoba Conservation is available to observe and audit the implementation of the sampling program.

21. The Licencee shall, within a timeframe to be determined by the Director, complete the sampling of emissions according to the approved plan submitted pursuant to Clause 18 of this Licence.
22. The Licencee shall, within 60 days of the receipt of the analytical results of the sampling plan pursuant to Clause 18 of this Licence, submit a report for the approval of the Director containing at minimum:
  - a) the raw data collected;
  - b) a discussion of the sampling and analytical portions of the program including any anomalies of sampling and analysis; and
  - c) a discussion of the significance of the data gathered with specific attention to:
    - i) the significance for potential acute and chronic impacts to health or environment from exposure to concentrations of the compounds detected;
    - ii) the need for risk assessment of the impact of emissions;
    - iii) the need for the establishment of ambient air monitoring stations;
    - iv) the need for dispersion modeling of emissions;
    - v) results and conclusions of the QA/QC program; and
    - vi) other issues as may be determined by the Director.
23. The Licencee shall, upon the written request of and in a timeframe stipulated by the Director, comply with any air emission or ambient air quality criteria specified by the Director for any pollutant of concern to the Director which has been identified pursuant to Clauses 3 or 18 of this Licence.

#### **Respecting Wastewater**

24. The Licencee shall not discharge wastewater beyond the property boundaries of the Development and shall prevent the seepage of wastewater such that the groundwater beneath the Development does not become contaminated.
25. The Licencee shall discharge sewage only to a registered private sewage disposal system, a holding tank, or a municipal sewer system designed to receive such wastes.

#### **Respecting Solid Waste**

26. The Licencee shall dispose of all solid waste generated from any activity at the Development, which is not recycled, only to a waste disposal ground operating under the authority of a permit issued pursuant to Manitoba Regulation 150/91 or any future amendment thereof, or a Licence issued pursuant to The Environment Act.

### **Respecting Contamination from Asphalt or Asphalt Based Materials**

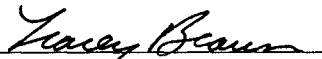
27. The Licencee shall, within 60 days of the written request of the Director, submit a plan:
- a) to conduct a site assessment at the Development to determine any existing contamination of the soil, surface water or ground water; and
  - b) to describe measures to be taken to contain and remediate any potential leak or spill which might result from the transportation, storage or handling of asphalt or asphalt based material at the Development.
28. The Licencee shall implement, as determined by the Director, any or all of the works described in the plan requested in Clause 18 of this Licence, within a time frame as determined by the Director.

### **Respecting Emergency Planning**

29. The Licencee, within 90 days of the issuance of this Licence, or other time frame approved by the Director, shall submit for approval of the Director, a contingency plan in accordance with the Manitoba Industrial Accidents Council (MIAC) *Industrial Emergency Response Planning Guide*, outlining procedures to be used in the event of a leak, spill, fire, or other hazardous condition at the Development.

### **REVIEW AND REVOCATION**

- A. This Licence replaces Environment Act Licence 2555 R which 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.

  
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Tracey Braun, M. Sc.  
Director  
Environment Act