

# LICENCE

Licence No. / Licence n°	<u>2195 RR</u>
Issue Date / Date de délivrance	<u>May 29, 1996</u>
Revised:	<u>December 5, 2003</u>
Revised:	<u>July 9, 2010</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 Section 10(1) and 14(2) / Conformément au Paragraphe 10(1) and 14(2)

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

**INTERPROVINCIAL COOPERATIVE LIMITED - WINNIPEG "the Licensee"**

for the upgrading and operation of the Development being an agricultural chemical formulating plant, a crop protection warehouse, solvent tank farm, two phenoxy storage tank farms, and distribution facilities located at 945 Marion Street in the City of Winnipeg, and in accordance with the Proposal filed under The Environment Act on March 27, 1996 and the notices of alteration dated September 30, 2003 and March 9, 2010, 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;

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

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

"**dangerous good**" 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;

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

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

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

**"hazardous waste"** means a product, substance or organism that meets the criteria set out in the Classification Criteria for Products, Substances and Organisms Regulation, Manitoba Regulation 282/87, and that is intended for treatment or disposal and includes recyclable material;

**"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 sound 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; and
- f) is deemed by the Director, based on available information, to be valid.

**"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; and

f) is deemed by the Director, based on available information, to be valid.

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

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

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

**"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.

### **GENERAL SPECIFICATIONS**

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 implement a high standard of equipment maintenance and good housekeeping and operational practices with respect to the Development, at all times.

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, 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.
6. 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.
7. 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.
8. The Licencee shall designate an employee, within 60 days of the date of issuance of this Licence, as the primary contact for Manitoba Conservation staff, who will assist the Licencee in complying with the limits, terms and conditions in this Licence and assist Senior Management of the Licencee to manage environmental issues at the Development.

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

#### **Respecting Pesticides**

9. The Licencee shall construct and maintain the concrete floors and curbs of all pesticide storage structure(s) so as to prevent spilled liquids from leaking into the soil.
10. 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.

11. The Licencee shall contain:
- a) any on site chemical spill on the Development;
  - b) wastewater generated from any response action due to an on-site release of chemicals on the Development; and
  - c) contaminated water resulting from the extinguishing of any fire involving chemicals on the Development, or at an alternate location approved by the Director.

**Respecting Liquid Emissions**

12. The Licencee shall discharge wastewater only in accordance with the Licencee's Overstrength Wastewater Discharge Licence No. IW-IPCO issued by the City of Winnipeg.

**Respecting Air Emissions – Limits**

13. The Licencee shall not emit particulate matter from the Development such that:
- a) particulate matter:
    - i) exceeds 230 milligrams 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.
14. 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.
15. 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 Air Pollution Control Equipment**

16. The Licencee shall direct all air streams, which contain a pollutant(s) of concern to the Director, to a pollution control device which has been designed for and

demonstrated to be capable of reducing, altering, eliminating or otherwise treating the pollutant(s).

17. The Licencee shall submit for the Director's approval, within 90 days of the issuance of this Licence, a standard operating procedural manual and a maintenance schedule for each air emission pollution control device based on the manufacturer's specifications and recommendations.
18. The Licencee, upon receiving the Directors approval as required in Clause 17 of this Licence, shall not operate any process directing an emission to an air pollution control device at the Development unless:
  - a) the operating and maintenance measures and status of the device are in full compliance with the approved procedures and timetables;
  - b) all emissions from the process are directed to the fully operational air pollution control device;
  - c) all discharges of treated emissions from the air pollution control devices are immediately directed to a stack; and
  - d) the emissions do not contain concentrations of pollutants which:
    - i) are in violation of any other applicable legal instrument including an Act, Regulation or by-law; or
    - ii) otherwise create a significant negative environmental or health impact in the affected area.
19. The Licencee shall, in case of physical or mechanical equipment breakdown or process upset where such breakdown or upset may result in the emission, release, or discharge of a pollutant, notify the Director:
  - a) as soon as possible but no later than within 24 hours of the occurrence; or
  - b) before noon of the first business day following an occurrence on a weekend or statutory holiday.

Such notification shall be by facsimile or any other notification procedure approved by the Director, stating the nature of the occurrence, the time and estimated duration of the event and the reason for the occurrence.

20. The Licencee shall maintain a log book of the most recent 24 month period to record any downtime of an air pollution control device due to either the breakdown or maintenance of that air pollution control device. 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 air pollution control device and the process(s) it serves;
  - b) time/date of log entry;
  - c) nature of event;
  - d) duration of event;
  - e) the accumulated downtime of this air pollution control device for the events for each calendar year; and

f) signature of the Environmental Coordinator.

21. 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 Emissions – Sampling, Analysis, Reporting**

22. The Licencee shall provide a stack or stacks, at the request of the Director, at any area of the Development 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.

23. The Licencee, upon written request from the Director, shall 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. 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.

24. 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.

25. The Licencee shall arrange the scheduling of the sampling program, approved pursuant to Clause 23 of this Licence, such that a representative of Manitoba Conservation is available to monitor and audit the implementation of the sampling program.

26. The Licencee, within 60 days of the receipt of the analytical results of the sampling program approved pursuant to Clause 23 of this Licence, shall 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 modelling of emissions;
- v) results and conclusions of the QA/QC program; and
- vi) other issues as may be determined by the Director.

27. The Licencee, upon the written request of and in a timeframe stipulated by the Director, shall 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 5, 13, or 16 of this Licence.

#### **Respecting Chemical Storage and Spill Containment**

28. The licensee shall ensure that all future development, construction or major renovation be performed in consideration of the applicable fire code of the day, presently the National Fire Code of Canada (2005). This includes modifications to all vessels containing chemicals, storage tank systems, secondary containment systems, storage and transfer areas.

29. The Licencee shall, in a manner approved by the Director, remove and dispose of all spilled dangerous goods.

#### **Respecting Decommissioning**


30. 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.

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



**REVIEW AND REVOCATION**

- A. This Licence replaces Licence No. 2195 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**

**File No.: 4135.00**



Conservation

Climate Change and Environmental Protection Division  
Environmental Assessment and Licensing Branch  
123 Main Street, Suite 160, Winnipeg, Manitoba R3C 1A5  
T 204 945-7100 F 204 945-5229  
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FAXED

CLIENT FILE NO.: 4135.00

July 9, 2010

Chad Grekul, M. Sc., P. Ag.  
Regulatory & Product Development Manager  
Interprovincial Cooperative Limited  
945 Marion Street  
Winnipeg MB R2J 0K7

Dear Mr. Grekul:

Enclosed is **Environment Act Licence No. 2195 RR** dated July 8, 2010 issued in accordance with The Environment Act to Interprovincial Cooperative Ltd. for the upgrading and operation of the Development being an agricultural chemical formulating plant, a crop protection warehouse, solvent tank farm, two phenoxy storage tank farms, and distribution facilities located at 945 Marion Street in the City of Winnipeg, and in accordance with the Proposal filed under The Environment Act on March 27, 1996 and the notices of alteration dated September 30, 2003 and March 9, 2010.

This Licence rescinds and replaces Licence No. 2195 R. 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.

For further information on the administration and application of the Licence, please feel free to contact Ryan Coulter, Environmental Engineer @ 945-7023.

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

c.

D. Labossiere, Director, Environmental Operations  
Public Registries

**NOTE:** Confirmation of Receipt of this Licence No. 2195 RR (*by the Licensee only*) is required by the Director of Environmental Assessment & Licensing. Please acknowledge receipt by signing in the space provided below and faxing a copy (cover letter only) back to the Department by July 23, 2010.

\_\_\_\_\_  
On behalf of Interprovincial Cooperative Ltd.

\_\_\_\_\_  
Date