

Licence No.: 2253 R

Licence Issued: April 11, 1997

Licence Revised: April 15, 2002

IN ACCORDANCE WITH THE MANITOBA ENVIRONMENT ACT (C.C.S.M. c. E125)

THIS LICENCE IS ISSUED PURSUANT TO SECTION 10(1) TO:

BORLAND CONSTRUCTION INC.; "the Licencee"

for the operation of the Development being an asphalt plant that is equipped to burn natural gas as a fuel for the heating and drying of aggregate in the production of asphalt, located on Lot 1, Plan No. 24524 in Lot G, R.C.M.P. at or near 190 Dawson Road in the City of Winnipeg, in accordance with the Proposal filed under The Environment Act on August 7, 1996 and the letters of alteration dated February 6, 1997 and March 26, 1997 and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

In this Licence,

"air pollution control equipment" means a Standard Havens size Alpha Mark I baghouse;

"affected area" means a geographical area, excluding the property of the Development;

"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;

"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;

"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 ducted into the atmosphere; and

"waste(s)" means waste products of any kind whatsoever or the run-off from such waste products and includes both liquid and solid materials.

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 sampling of, and preservation and analyses on, air samples in accordance with methodologies approved by the Director;
 - b. ensure that all analytical determinations are undertaken by an accredited laboratory or a laboratory approved by the Director; and
 - c. report the results to the Director within 60 days of the samples being taken.
5. 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.
6. The Licencee shall carry out, as deemed necessary by the Director, any remedial measures or modifications in respect to matters authorized under this Licence.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

7. The Licencee shall not emit particulate matter from the Development such that:
 - a. particulate matter from any source:
 - 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. 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.
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.
10. The Licencee shall construct and maintain, when requested by the Director, stack sampling facilities at the Development. These facilities shall be constructed as needed and within time frames and specifications as specified by the Director.
11. The Licencee shall not operate the Development at any time unless the air pollution control equipment is in operation.
12. The Licencee shall, upon the written request of the Director, submit for approval by the Director, a sampling program, including sampling of stationary point sources, fugitive emissions, or ambient air quality for the following parameters:
- a. particulate matter; and
 - b. total reduced sulphur compounds.
13. The Licencee shall have each sample collected pursuant to Clause 12 of this Licence analysed by a laboratory approved by the Director and using methods approved by the Director.
14. The Licencee shall submit to the Director for approval, within 30 days of the date of this Licence, a plan for the handling and disposal of solids collected by the air pollution control equipment.
15. The Licencee shall submit to the Director for approval, within 30 days of the date of this Licence, a contingency plan, in accordance with CAN/CSA-Z731-95 Emergency Planning for Industry, 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 Licence No. 2253 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 the Licencee has not commenced construction of the Development within three years of the date of this

Licence, the Licence is revoked.

- D. 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.

"original signed by"

Larry Strachan, P. Eng.

Director

Environment Act

Client File No.: 4201.00