



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/envapprovals

FAXED

CLIENT FILE NO.: 5083.00

October 23, 2007

Glen W. Agar
Thompson Dorfman Sweatman LLP
Barristers & Solicitors
2200 – 201 Portage Avenue
Winnipeg MB R3B 3L3

Dear Mr. Agar:

Please find enclosed revised Environment Act Licence No. 2688 RR. Revisions/corrections were made to Clause 4, 11 and 12.

In addition to the enclosed Revised 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 Tim Prawdzik, Environment Officer at (204) 622-2123.

Please ensure that the original or copy of the revised Licence and covering letter is forwarded to your client for their records.

Yours truly,

Tracey Braun, M. Sc.
Director
Environment Act

Enclosure

- c: B. Wright, Regional Director, Western Region, Conservation
- T. Prawdzik, Environment Officer, Western Region
- Millennium Public Library/Manitoba Eco-Network
- R.M. of Silver Creek (As Registry) & (Office Copy)

NOTE: Confirmation of Receipt of this Licence No. 2688 RR (*by the Licensee only*) is required by the Environmental Assessment & Licensing Branch. Please acknowledge receipt by signing in the space provided below and faxing a copy back to the Department by October 29, 2007.

On behalf of Glanbia Nutritionals (Canada) Inc.

Date

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

LICENCE

Licence No. / Licence n° 2688 RR

Issue Date / Date de délivrance July 4, 2005

REVISED: October 3, 2007

REVISED : October 23, 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) / Conformément au Paragraphe 10(1)

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

GLANBIA NUTRITIONALS (CANADA) INC.; "the Licencee"

for the construction and operation of the Development being a flax mill, a bulk seed storage, and distribution facilities located on the SE¼ 4-20-26 WPM in the Rural Municipality of Silver Creek, and in accordance with the Proposal filed under The Environment Act on January 24, 2005, 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 beyond the property line of the Development;

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

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

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

“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;

“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 within a 90 day period and in a form satisfactory to the Director, 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 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;

“**point source**” means any point of emission from a Development where pollutants are ducted into the atmosphere;

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

“**waste**” means damaged, defective or superfluous material produced by a manufacturing process, and includes but is not limited to chaff, screenings, overs and weed seeds.

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 comply with all applicable federal and provincial regulations.
2. The Licencee shall, at all times during the operation of the Development, ensure that a high standard of equipment maintenance and operational practices are implemented.
3. The Licencee shall reduce the production and dissemination of wastes by initiating and maintaining waste reduction and waste recycling programs.
4. The Licencee shall insure that all waste produced from the mill are disposed at an approved municipal disposal ground or in a manner approved by the Director and that no open burning is permitted at the facility.
5. The Licencee shall not emit particulate matter from the Development such that:
 - i) particulate matter:
 - a) 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 for processes involving combustion from any point source of the Development;
 - b) exhibits a visible plume with an opacity of greater than 5 percent at any point beyond the property line of the Development; or
 - c) results in the deposition of visible particulate residue at any time beyond the property line of the Development; or
 - ii) opacity from any point source of the Development equals or exceeds:
 - a) 20 percent as the average of any 24 consecutive opacity observations taken at 15 second intervals;
 - b) 20 percent for more than 16 individual opacity observations within any 1 hour period; or
 - c) 40 percent for any individual opacity observation.

6. Within 60 days of the date of this Licence, the Licencee shall develop and provide for the approval of the Director, a program for weed and rodent control at the development.
7. The Licencee shall not cause or permit a noise nuisance to be created as a result of the operation of the Development, and shall take such steps as the Director may require to eliminate or mitigate a noise nuisance.
8. The Licencee shall not cause or permit an odour nuisance to be created as a result of the operation of the Development, and shall take such steps as the Director may require to eliminate or mitigate an odour nuisance.
9. The Licencee shall ensure that no flax seeds are stored on the ground outside the processing plant and that any material spilled during loading/unloading operations are promptly cleaned up.
10. The Licencee, at the request of the Director, shall conduct soil, air (stack and/or ambient), ground water, surface water or noise monitoring at or adjacent to the Development.
11. The Licencee shall have each soil, air, or water sample collected pursuant to Clause 10, of this Licence, analyzed by a laboratory approved by the Director and using methods approved by the Director for any analytes as may be specified by the Director.
12. The Licencee shall submit a copy of the sampling report complete with analytical results as specified pursuant to Clauses 10 and 11 of this Licence, to the Director within 60 days of the completion of the sampling program.

I - REMEDIAL ACTION

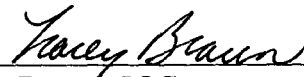
13. The Licencee, subject to obtaining approval from an Environment Officer, shall immediately dispose of any contaminated material in accordance with the approval.

II - SITE DECOMMISSIONING

14. The Licencee shall submit within one (1) year prior to closure of the facility, for the approval of the Director, a Decommissioning Plan for the facility.
15. The Licencee shall implement, on closure of the facility, the approved Decommissioning Plan.

REVIEW AND REVOCATION

- A. This Licence replaces Environment Act Licence No. 2688 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 construction of the development is not commenced 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.



Tracey Braun, M.Sc.
Director
Environment Act

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