

**Conservation and Water Stewardship**

Climate Change and Environmental Protection Division  
Environmental Approvals Branch  
123 Main Street, Suite 160, Winnipeg, Manitoba R3C 1A5  
T 204 945-8321 F 204 945-5229  
www.gov.mb.ca/conservation/eal

**CLIENT FILE NO.: 5505.00**

October 24, 2012

Mr. Rodi Sveistrup, Environment Leader  
Koch Fertilizer Canada  
1400 17<sup>th</sup> Street East  
Brandon MB R7A 7C4

Dear Mr. Sveistrup:

**Re: Notice of Alteration – Koch Fertilizer Canada – Oak Bluff**

Enclosed is the revised **Environment Act Licence No. 2974 RR** dated **October 24, 2012** issued in accordance with *The Environment Act* to Koch Fertilizer Canada ULC, located in the NE ¼ of section 36, township 9, Range 1 East in the Rural Municipality of Macdonald, in accordance with the proposal filed under *The Environment Act* dated January 28, 2011, and Notice of Alteration dated September 14, 2012.

Environment Act Licence No. 2974 R was amended to correct a clerical error in the Environment Act Licence No. 2974R issued on October 3, 2012. **Environment Act Licence No. 2974 R is hereby rescinded.**

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. A Notice of Alteration must be filed with the Director for approval prior to any alteration to the Development as licensed.

For further information on the administration and application of the licence please contact Sonja Bridges, Environment Officer at 204-918-4271 or by e-mail at [sonja.bridges@gov.mb.ca](mailto:sonja.bridges@gov.mb.ca)

Yours truly,

Tracey Braun, M. Sc.  
Director  
*Environment Act*

Enc.

c: Don Labossiere, Director, Environmental Compliance and Enforcement  
Public Registries

**NOTE:** Confirmation of Receipt of this Licence No. 2974 RR (*by the Licencee only*) is required by the Director of Environmental Approvals Branch. Please acknowledge receipt by signing in the space provided below and faxing a copy (letter only) to the Department by November 7, 2012.

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On behalf of Koch Fertilizer Canada ULC

Date

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

# LICENCE

Licence No. / Licence n° 2974 RR

Issue Date / Date de délivrance October 16, 2012

Revised : October 24, 2012

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 Sections 10(1) / Conformément au Paragraphe 10(1)

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

**KOCH FERTILIZER CANADA, ULC;**  
**"the Licencee"**

for the operation and maintenance of the Development being a liquid fertilizer terminal located in the NE ¼ of Section 36, Township 9, Range 1 East in the Rural Municipality of Macdonald, in accordance with the Proposal filed under *The Environment Act* dated January 28, 2011, Notice of Alteration filed on September 14, 2012 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 and Water Stewardship 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;

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

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

"**Environment Officer**" 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 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 members of the public;

if the 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; 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 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 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 a Development where pollutants are ducted into the atmosphere;

**"secondary containment area"** means an area designed and constructed to contain any liquids, including chemicals and fire water, resulting from a significant event such as a fire, and prevents the release of pollutants beyond the containment area; and

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

### **TERMS AND CONDITIONS**

1. 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, and each submission shall be clearly labeled with the Licence Number and Client File Number associated with this Licence.
2. The Licencee shall, in addition to any of the following specifications, limits, terms and conditions specified in this Licence, upon the request of the Director:
  - a) sample, monitor, analyze 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 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 Development;
  - c) conduct specific investigations in response to the data gathered during environmental monitoring programs; or
  - d) provide the Director, within such time as may be specified, with such reports, drawings, specifications, analytical data, flow rate measurements and such other information as may from time to time be requested.
3. 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.

**Respecting Construction and Operation**

4. 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.
5. The Licencee shall, at all times during the operation of the Development, implement a high standard of equipment maintenance and operational practices.
6. The Licencee shall reduce the production and dissemination of wastes by initiating and maintaining waste reduction and waste recycling programs.
7. The Licencee shall, in the event of a release, spill, leak or discharge of a pollutant or contaminant in an amount or concentration, or at a level or rate of release, that exceeds the limit that is expressly provided under this Licence, *The Environment Act*, another Act of the Legislature, or an Act of Parliament, or in regulation, licence, permit, order, instruction, directive or other approval or authorization issued or made under one of those Acts, immediately report the release, spill, leak or discharge by calling 204-944-4888. The report shall indicate the nature of the release, leak, spill or discharge, the time and estimated duration of the event and the reason for the release, spill leak or discharge.

**Respecting Fertilizers**

8. The Licencee shall surface, grade, dike, and/or curb all areas where fertilizers are 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 area is contained within the Development.
9. The Licencee shall provide for, within the dyked containment area, a volume of liquid equal to 110% of the volume of the storage tank located therein.
10. The Licencee shall, when there is liquid in the storage tank, maintain the containment area volume capacity of Clause 9 of this Licence by the immediate removal of accumulated surface water runoff where there have been no documented spills.

**Respecting Air Emissions**

11. 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.
12. 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 Liquid Emissions**

13. The Licencee shall notify Manitoba Conservation and Water Stewardship when any spill has occurred in the secondary containment area. If the accumulated liquid within the secondary containment area may be contaminated, it shall be sampled and the sample shall be analyzed by an accredited laboratory prior to requesting authorization for release. The results of the analysis shall be included in the request for authorization for release. Following a spill, no accumulated liquid within the secondary containment area shall be released without the prior authorization of an Environment Officer.
14. The Licencee shall not direct any spillage, contaminated run-off or pollutant, other than sewage, to an approved sewage disposal system.
15. The Licencee shall contain and clean up immediately any pesticide or chemical spills in order to prevent soil, surface water or ground water contamination.
16. The Licencee shall remediate, within a time frame stipulated by the Director, all on and off-site environmental impacts as a result of any release of liquid fertilizer.

**Respecting Emergency Response Planning**

17. 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**

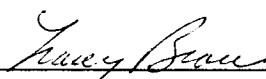
18. The Licencee shall submit within one (1) year prior to closure of the facility, for the approval of the Director, a formal detailed Decommissioning Plan for the facility.
19. The Licencee shall implement, on closure of the facility, the approved Decommissioning Plan.

**REVIEW AND REVOCATION**

- A. Environment Act Licence No. 2974 R 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.

Koch Fertilizer Canada, ULC  
Licence No. 2974 RR  
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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*

**Client File No.: 5505.00**