



Environment, Climate and Parks

Environmental Approvals Branch  
1007 Century Street, Winnipeg MB R3H 0W4  
T 204 945-8321 F 204 945-5229  
[www.gov.mb.ca/sd](http://www.gov.mb.ca/sd)

File No.: 5454.00

August 17, 2022

Buu Dang  
Bayview Construction Ltd.  
4000 McGillivray Blvd., Oak Bluff MB R4G 0B5  
[bdang@bayviewconstruction.ca](mailto:bdang@bayviewconstruction.ca)

Dear Buu Dang:

**Re: Environment Act Licence No. 2923 R**

Thank you for your notice of alteration dated June 14, 2022, requesting a name change to the licence. I approve the alteration per Section 14(2) of The Environment Act.

Environment Act Licence No. 2923 R is issued to Bayview Construction Ltd. The licence is to install and operate a portable asphalt plant in Manitoba.

Bayview Construction Ltd. must operate the development according to all licence requirements and all applicable federal, provincial, and municipal regulations and by-laws.

The licensee must secure approval from the Director of Environmental Approvals before altering the development as licensed.

Anyone affected by the licence's issuance may appeal this decision to the Minister of Environment, Climate and Parks. If they wish to appeal, they must submit their rationale, in writing, to the Minister's attention by September 16, 2022.

Should you have any questions, please contact Tyler Kneeshaw, Regional Supervisor, Environmental Compliance and Enforcement Branch at [Tyler.Kneeshaw@gov.mb.ca](mailto:Tyler.Kneeshaw@gov.mb.ca) or 204-239-3608.

Sincerely,

Original signed by,

James Capotosto  
Director

Enclosure

- c. Kristal Harman, Yvonne Hawryliuk, Tyler Kneeshaw - Environmental Compliance and Enforcement  
Siobhan Burland Ross, Eshetu Beshada - Environmental Approvals  
Public Registry

# LICENCE

File No.: 5454.00

Licence No. / Licence n°: 2923 R

Issue Date / Date de délivrance : May 31, 2010

Revised : August 17, 2022

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) et 14(2)

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

**BAYVIEW CONSTRUCTION LTD.: "the licensee"**

for the continued operation of the development being a Terex E3-400P, Unit 1006 portable asphalt plant located at various locations throughout the Province of Manitoba in accordance with the proposal dated March 8, 2010, notice of alteration dated June 14, 2022, and subject to the following specifications, limits, terms and conditions:

## **DEFINITIONS**

In this licence,

"**accredited laboratory**" means an analytical facility accredited by the Standards Council of Canada (SCC), or accredited by another accrediting agency recognized by Manitoba Environment, Climate and Parks 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 or assigned environment officer in writing;

"**approved facility**" means a facility operating in accordance with the requirements of The Environment Act and the regulations thereunder;

"**dangerous good**" means a product, substance or organism as defined in The Dangerous Goods Handling and Transportation Act, or any amendments thereto;

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

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

**"fugitive emissions"** means particulate matter escaping from sources within the development property into the atmosphere other than through any of the emission stacks or vents;

**"hazardous waste"** means a product, substance or organism as defined in The Dangerous Goods Handling and Transportation Act, or any amendments thereto;

**"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 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; 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 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 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 emitted to the atmosphere by means of a stack;

**"pollutant"** means a pollutant as defined in The Environment Act;

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

"**solid waste**" means solid waste as defined in the Waste Management Facilities Regulation, or any future amendments thereto, respecting waste management facilities;

"**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;

"**used oil**" means a petroleum or synthetic crankcase oil, engine oil, hydraulic fluid, transmission fluid, gear oil, heat transfer fluid or other fluid capable of use for lubricating purposes in machinery or equipment which, as a result of use, storage or handling can no longer be used for its original purpose; 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 licensee 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 licensee shall at all times maintain a copy of this licence at the development or at the premises from which the development's operations are managed.
2. The licensee shall implement a high standard of equipment maintenance and good housekeeping and operational practices with respect to the development, at all times.
3. The licensee shall reduce the production and dissemination of wastes by initiating and maintaining waste reduction and waste recycling programs.
4. The licensee shall submit all information required to be provided to the director or environment officer under this licence, in written and electronic format, in such form (including number of copies), and of such content as may be required by the director or environment officer, and each submission shall be clearly labelled with the licence number and file number associated with this licence.
5. In addition to any of the limits, terms and conditions specified in this licence, the licensee shall, upon the request of the director:

- 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 pollutant(s) 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, 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 licensee 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) have all analytical determinations undertaken by an accredited laboratory; and
  - d) report the results to the director, in writing and in an electronic form acceptable to the director, within 60 days of the samples being taken.
7. The licensee shall carry out any remedial measures, modifications, or alterations, as deemed necessary by the director, in respect to matters authorized under this licence.
8. The licensee shall operate the asphalt plant in accordance with industry best environmental management practices as accepted by the director.
9. The licensee shall designate an employee, within 60 days of the date of issuance of this licence, as the licensee's environmental coordinator, whose job description will include assisting the licensee in complying with the limits, terms and conditions in this licence and assisting Senior Management of the licensee to manage environmental issues at the development. The name of the environmental coordinator shall be submitted in writing to the director or environment officer within 14 days of appointment and any subsequent appointment.

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

#### **Respecting Location**

10. The licensee shall provide notification for review and approval by the director or environment officer of any proposed location for operation of the asphalt plant a minimum of twenty days prior to operation of the asphalt plant.
11. The licensee shall obtain an appropriate permit before operating the asphalt plant on Crown Land in accordance with The Crown Lands Act.

12. The licensee shall not operate the asphalt plant within:
  - a) 100 metres of any surface watercourse or surface water body;
  - b) 400 metres of any water well, other than the water well of the land owner where the asphalt plant is located;
  - c) 100 metres of the water well of the land owner where the asphalt plant is located;
  - d) three kilometres of a developed area of a provincial park; or
  - e) five kilometres of an ecological reserve or other protected area.
13. The licensee shall search the area within a radius of 150 metres from any proposed asphalt plant location for abandoned wells. Where abandoned wells are found, the licensee shall confirm that they are sealed according to accepted well sealing techniques prior to operation of the asphalt plant.

### **Respecting Operating Restrictions and Prohibitions**

14. The licensee shall not operate the asphalt plant without a pollution control device(s).
15. The licensee shall cease operation of the asphalt plant when the director or environment officer determines that the emissions from the asphalt plant are causing a safety concern for road and/or highway traffic.
16. The licensee shall cease operation of the asphalt plant when the director or environment officer determines that the emissions from the asphalt plant are creating a significant negative environmental or health impact in the affected area.
17. The licensee shall cease any activity and immediately contact the Historic Resources Branch in the event that a heritage resource is encountered during the installation or operation of the asphalt plant.
18. The licensee shall not deposit, burn and/or bury any waste and/or unused material at the location of the asphalt plant.
19. The licensee 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 the Waste Management Facilities Regulation or any future amendment thereof, or a licence issued pursuant to The Environment Act.
20. The licensee shall not combust hazardous waste, including used oil, in the asphalt plant.

### **Respecting Air Emissions - Limits**

21. The licensee shall not emit particulate matter from the development such that:
  - a) particulate matter:
    - i) 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;
    - 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.
22. The licensee 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.
23. The licensee 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 Fugitive Air Pollution Control**

24. The licensee shall control, by methods acceptable to the director or environment officer, 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.

#### **Respecting Air Pollution Control Equipment**

25. The licensee 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).
26. The licensee shall prepare, within 90 days of the issuance of this licence, and maintain the following manuals which shall be kept at the development and available for review upon request by an environment officer:
- a) a standard operating procedural manual and a maintenance schedule for each air emission pollution control device based on the manufacturer's specifications and recommendations;
  - b) an updated standard operating procedural manual and a maintenance procedure for each air emission pollution control device within 120 days of the addition, elimination or change regarding any air emission control device; and
  - c) a copy of the manufacturer operational and maintenance manual.
27. The licensee 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 procedures and timetables as per Clause 26;
  - 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.
28. The licensee shall maintain a log 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 shall be kept at the development and shall be available upon request for inspection by an environment officer. The log shall record, at minimum, the following information:
- a) identification of the air pollution control device and the process(es) it serves;
  - b) time/date of log entry;
  - c) nature of event;
  - d) time and duration of event;
  - e) action taken;
  - f) the accumulated downtime of this air pollution control device for the events for each calendar year; and
  - g) approval by the environmental coordinator.
29. The licensee 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 Monitoring**

30. The licensee, upon written request from the director, shall 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 Environment, Climate and Parks Guideline, *Guideline for Stack Sampling Facilities*, unless otherwise approved by the director.
31. The licensee, upon a 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, 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.
32. The licensee shall perform all stack sampling in accordance with the most recent version of Manitoba Environment, Climate and Parks Report No. 96-07, *Interim Stack Sampling Performance Protocol*, unless otherwise approved by the director.

33. The licensee shall arrange the scheduling of the sampling program submitted pursuant to Clause 31 of this licence such that a representative of Manitoba Environment, Climate and Parks is available to monitor and audit the implementation of the sampling program.
34. The licensee shall complete the sampling of emissions according to the approved plan submitted pursuant to Clause 31 of this licence, within a timeframe to be determined by the director.
35. The licensee shall submit a report, for the approval of the director, of the completed sampling and analysis plan approved pursuant to Clause 31 of this licence, within 60 days of the receipt of the analytical results of that sampling plan. The report shall contain 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.
36. The licensee, 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 Clause 5, 21, 25, or 35 of this licence.

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

37. The licensee shall provide containment for all vessels containing chemicals in each area of the development where the chemicals are stored, loaded, transferred, used or otherwise handled, in compliance with the current Manitoba Fire Code Regulation, or any future amendment thereof.
38. The licensee shall contain within the development any product leakage or spillage and any contaminated liquid generated on site and prevent contamination of groundwater and surface water.
39. The licensee shall, in a manner approved by the director or environment officer, remove and dispose of all spilled dangerous goods.
40. The licensee shall store all Dangerous Goods and chemicals in a manner acceptable to the director or environment officer.
41. The licensee shall comply with all the applicable requirements of:
  - a) The Storage and Handling of Petroleum Products and Allied Products Regulation;

- b) The Dangerous Goods Handling and Transportation Act, and regulations issued thereunder, respecting the handling, transport, storage and disposal of any dangerous goods brought onto or generated at the development; and
  - c) the Office of the Fire Commissioner – Province of Manitoba.
42. The licensee shall not receive at the development any hazardous waste from any generator off site of the development.

### **Respecting Wastewater**

43. The licensee shall store wastewater only in a storage facility approved by the director for discharge at an approved facility.
44. The licensee shall not discharge any 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.

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

45. The licensee 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.
46. The licensee shall implement, as determined by the director, any or all of the works described in the plan requested in Clause 45 of this licence, within a time frame as determined by the director.

### **Respecting Emergencies**

47. The licensee shall, in the case of physical or mechanical equipment breakdown or process upset where such breakdown or process upset results or may result in the release of a pollutant in an amount or concentration, or at a level or rate of release, that causes or may cause a significant adverse effect, immediately report the event by calling the 24-hour environmental accident reporting line at 204-944-4888 (toll-free 1-855-944-4888). The report shall indicate the nature of the event, the time and estimated duration of the event and the reason for the event.
48. The licensee shall, following the reporting of an event pursuant to Clause 47:
- a) identify the repairs required to the mechanical equipment;
  - b) undertake all repairs to minimize unauthorized discharges of a pollutant;
  - c) complete the repairs in accordance with any written instructions of the director or environment officer; and
  - d) submit a report to the director about the causes of breakdown and measures taken, within one week of the repairs being done.

49. The licensee shall, within 90 days of the date of issuance of this licence, prepare and maintain an emergency response contingency plan in accordance with the Canadian Centre for Occupational Health and Safety "Emergency Response Planning Guide" or other emergency planning guidelines acceptable to the director.

#### **Respecting Closure of Temporary Locations**

50. The licensee shall, upon removal of the asphalt plant from any location, conduct an investigation to the satisfaction of the director, to identify any contamination that may have resulted from the operation of the asphalt plant at that location.
51. The licensee shall, where the investigation referred to in Clause 50 of this licence shows that contamination of the environment has occurred, submit a remediation proposal to the director and, upon approval of this proposal by the director, the required remediation shall be carried out by the licensee.

#### **Respecting Permanency of Development**

52. The licensee, upon the request of the director, shall submit a new Environment Act Proposal for the asphalt plant for any site at which the licensee intends to operate the asphalt plant for a period of greater than 12 months.
53. The licensee shall submit a new Environment Act Proposal for the asphalt plant for any site at which:
- a) the site has been the location of any asphalt plant within the past five years; and
  - b) the licensee cannot provide written permission to operate from one member of every residence and business within one kilometre of the asphalt plant.

### **REVIEW AND REVOCATION**

- A. This licence replaces Environment Act licence 2923 which is hereby rescinded.
- B. If in the opinion of the director, the licensee 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 set out in this licence, the director may require the filing of a new proposal pursuant to Section 10 of The Environment Act or request the filing of a Notice of Alteration.

Original signed by,

James Capotosto  
Director