



Conservation and Water Stewardship

Climate Change and Environmental Protection Division
Environmental Approvals Branch
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CLIENT FILE NO.: 5578.00

July 12, 2012

Ryan Coulter, P.Eng.
Manitoba Infrastructure and Transportation
14th Floor - 215 Garry Street
Winnipeg, MB R3C 3P3

Dear Mr. Coulter:

Enclosed is **Environment Act Licence No. 3013** dated July 12, 2012 issued by **Manitoba Infrastructure and Transportation** for the operation of the Development being 2 portable asphalt plant mixing sites located throughout Manitoba, in accordance with the Proposal dated March 30, 2012, and additional information dated July 5, 2012.

In addition to the enclosed Licence requirements, please be informed that all other applicable federal, provincial and municipal regulations and by-law 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 feel free to contact the nearest regional office of the Environmental Compliance and Enforcement Branch for each site.

Pursuant to Section 27 of the *Environment Act*, this licensing decision may be appealed by any person who is affected by the issuance of the Licence to the Minister of Conservation within 30 days of the date of the Licence.

Yours truly,

Tracy Brauer, M.Sc.
Director
Environment Act

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

NOTE: Confirmation of Receipt of this Licence No. 3013 (by the Licensee only) is required by the Director of Environmental Assessment and Licensing. Please acknowledge receipt by signing in the space provided below and faxing a copy (letter only) to the Department by July 26, 2012.

On behalf of Manitoba Infrastructure and Transportation

Date

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

LICENCE

Licence No. / Licence n° 3013

Issue Date / Date de délivrance July 12, 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 Section 10(1) / Conformément au Paragraphe 10(1)

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

MANITOBA INFRASTRUCTURE AND TRANSPORTATION;
"the Licencee"

for the operation of the Development being 42 portable asphalt plant mixing sites at the following locations:

- Site 1 – Rennie SE 27-10-14 EPM;
- Site 2 – Piney SE 22-12-12 EPM;
- Site 3 – Seddons Corner NE 35-12-9 EPM;
- Site 4 – Traverse Bay NE 14-19-7 EPM;
- Site 5 – Camp Morton SE 24-2-1 EPM;
- Site 6 – PTH 34 & PR 200 M of Lorne – NE 35-6-11 WPM;
- Site 7 – Ft. Claude SW 13-8-8 WPM;
- Site 8 – Ft. Coulee NW 6-3-2 WPM;
- Site 9 – Inwood – SE 10-18-1 WPM;
- Site 10 – Fisher Branch – SW 26-25-2 WPM;
- Site 11 – Ninette – SE 28-5-16 WPM;
- Site 12 – Cranberry – NW 29-10-14 WPM;
- Site 13 – Melita – NW 24-4-26 WPM;
- Site 14 – Virden – NW 16-10-26 WPM;
- Site 15 – Birtle – NW 1-17-27 WPM;
- Site 16 – Webb – NE 16-3-12 WPM;
- Site 17 – Holmfield – SW 21-2-16 WPM;
- Site 18 – Alexander – SW 5-11-21 WPM;
- Site 19 – Ashern – SE 9-26-7 WPM;
- Site 20 – Broken Pipe Lake – SE 20-26-21 WPM;
- Site 21 – Cowan – NW 14-35-23 WPM;
- Site 22 – Cranberry Portage – Junction of PTH 10 and the Sheridan Road;
- Site 23 – Gillam – PR 280 20 km Northeast of Gillam;
- Site 24 – Grand Rapids – 6 km South of Junction PTH 6 & PTH 60;

- Site 26 – Gypsumville – SW 27-33-10 WPM;
- Site 27 – Leaf Rapids – PR 391, one km North of Conrad Lake;
- Site 28 – Lunder – SW 7-20-4 WPM;
- Site 29 – Lynn Lake – PR 391, four km West of Lynn Lake;
- Site 30 – McCreary – SW 2-21-14 WPM;
- Site 31 – PR 261 – SE 19-18-14 WPM;
- Site 32 – Red Deer Tower – SW 8-45-25 WPM;
- Site 33 – Roblin – SE 32-25-27 WPM;
- Site 34 – Rorketon – NE 11-28-16 WPM;
- Site 35 – Shergrove Yard – SW 10-24-13 WPM;
- Site 36 – Snow Lake – 85 km East of PTH 10;
- Site 37 – Snow Lake (Wekusko) – Wekusko Quarry next to Sunday Lake;
- Site 38 – Soab Lake – Vicinity of Pisew Falls, 400 m North East of the Soab Lake Radio Tower;
- Site 39 – Ste. Amelie – NW 14-23-15 WPM;
- Site 40 – Swan River – SW 25-36-28 WPM;
- Site 41 – The Pas – 10 km South of PR 282;
- Site 42 – Thompson – 8.7 km North of Thompson;
- Site 43 – Winnipegosis – SE 29-31-18 WPM;

in accordance with the Proposal dated March 30, 2012, and additional information dated July 5, 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 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;

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

"Environment Officer" 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 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 clause 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;

"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; 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 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. In addition to any of the limits, terms or conditions specified in this Licence, the Licencee 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 as solvent 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; 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, 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 Act, another Act of the Legislature, or an Act of Parliament, or in a 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, or discharge,

the time and estimated duration of the event and the reason for the release, spill, leak, or discharge.

5. 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 of, soil, compost 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 format acceptable to the Director, within 60 days of the sample being taken.
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 submit all information required to be provided to the Director under this Licence, in writing, in such form (including number of copies) and of such content as may be specified by the Director, and each submission shall be clearly labelled with the Licence Number and Client File Number associated with this Licence.
8. The Licencee shall designate an employee, within 30 days of the date of issuance of this Licence, as the Licencee's Environmental Coordinator, whose job description will include assisting the Licencee in complying with the limits, terms and conditions in this Licence and assisting Senior Management of the Licencee to manage environmental issues of the Development. The name of the Environmental Coordinator shall be submitted in writing to the Director within 14 days of appointment.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Respecting Air Emissions – Limits

9. The Licencee 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.

10. 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.

11. 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 Portable Asphalt Plants

12. The Licencee shall not construct, assemble, modify, or operate any asphalt plant(s) at the Development unless that asphalt plant(s) has a valid Environment Act Licence authorizing its use.

13. The Licencee shall not allow any asphalt plant(s) to be constructed, assembled, modified, or operated at the Development unless that asphalt plant(s) has a valid Environment Act Licence authorizing its use.

Respecting Operating Restrictions and Prohibitions

14. The Licencee shall not operate, or allow to be operated, any asphalt plant without a pollution control device(s) at the Development.

15. The Licencee shall cease operation of any asphalt plant at the Development when the Director determines that the emissions from the asphalt plant are causing a safety concern for road and/or highway traffic.

16. The Licencee shall cease operation of any asphalt plant at the Development when the Director determines that the emissions from the asphalt plant are creating a significant negative environmental or health impact in the affected area.

17. The Licencee shall not burn, and/or bury any waste and/or unused material at the Development. Unused material shall not be deposited at the Development except on a temporary basis not exceeding 12 months.

18. The Licencee shall dispose of all solid waste generated from any activity at the Development only to a waste disposal ground operating under the authority of a

permit issued pursuant to Manitoba Regulation 150/91 or any future amendment thereof.

19. The Licencee shall not combust hazardous waste, or allow combustion of hazardous waste, in any asphalt plant at the Development.

Respecting Fugitive Air Pollution Control

20. The Licencee shall control, by methods acceptable to the Director, 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 Contamination from Asphalt or Asphalt Based Materials

21. The Licencee 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 groundwater; 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.
22. The Licencee shall implement, as determined by the Director, any or all of the works described in the plan requested in Clause 21 of this Licence, within a time frame as determined by the Director.

Respecting Chemical Storage and Spill Containment

23. The Licencee shall provide containment for all vessels containing chemicals and in each area of the Development where the chemicals are stored, loaded, transferred, used or otherwise handled, in compliance with the National Fire Code of Canada (2010) or any future amendment thereof, such that any product leakage or spillage and any contaminated liquid generated is contained within the Development and contamination of groundwater and surface water is prevented.

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

Respecting Emergencies

25. The Licencee shall, within 60 days of the issue date of this licence, submit to the Director an emergency response contingency plan in accordance with the Canadian Centre for Occupational Health and Safety emergency planning guidelines.

REVIEW AND REVOCATION

- A. 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.
- B. 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 *The Environment Act*.


Tracey Brown, M.Sc.
Director
Environment Act

Client File No.: 5578.00

RESCINDED