

**AN ORDER OF THE CLEAN ENVIRONMENT COMMISSION  
UNDER THE CLEAN ENVIRONMENT ACT**

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**RE: THE CLEAN ENVIRONMENT COMMISSION and MULDER CONSTRUCTION & MATERIALS LTD., Applicant,**

**WHEREAS** pursuant to the provisions of The Clean Environment Act, Mulder Construction & Materials Ltd. filed a proposal with the department in connection with the operation of a concrete batch plant located in the SE 1/4 of Section 5, Township 12, Range 5 EPM in the Rural Municipality of Springfield, Manitoba;

**AND WHEREAS** in the absence of limits, terms and conditions prescribed by a Regulation under the said Act, the proposal was referred to The Clean Environment Commission to prescribe limits, terms and conditions;

**AND WHEREAS** after giving notice of the proposal, the Commission did not receive notice of representation from any person who was likely to be affected by the issuance a Commission order concerning the said operation;

**AND WHEREAS** the Commission considered the proposal on the 19th day of February, 1985;

**IT IS HEREBY ORDERED THAT**

1. The Applicant shall ensure that particulate matter from the various processes of the said operation does not exceed 0.23 grams per standard cubic metre calculated at 25 degrees Celsius and 760 millimetres of mercury at the point of emission.
2. The Applicant shall limit the emission of particulate matter to such an extent that airborne particulate matter from the said operation does not at any time exhibit an opacity in excess of 5 percent at any point past the property line of the said operation.
3. The Applicant shall not cause or permit visible emissions from any point of the said operation that exhibit an opacity at the point of emission in excess of the following limits:
  - (a) 40 percent at any time;
  - (b) 20 percent for a period exceeding 4 minutes in the aggregate in any one hour.

*Assigned  
APC*

4. The Applicant shall not cause or permit the emission of sound from the said property which, when measured beyond the property line of the said operation in a residential area:
  - (a) subject to (b), exceeds an hourly equivalent sound level of:
    - (i) 60 dBA during the daytime hours of 7:00 a.m. to 10:00 p.m., local time;
    - (ii) 50 dBA during the nighttime hours of 10:00 p.m. to 7:00 a.m., local time;
  - (b) where subjective evaluation or measurements indicate the sound has a significant impulsive characteristic or predominant discrete tone(s), exceeds an hourly equivalent sound level of:
    - (i) 55 dBA during the daytime hours of 7:00 a.m. to 10:00 p.m., local time;
    - (ii) 45 dBA during the nighttime hours of 10:00 p.m. to 7:00 a.m., local time.
5. The Applicant shall at all times maintain a high standard of equipment maintenance and good housekeeping practices consistent with meeting the limits, terms and conditions prescribed by this order.
6. The Applicant shall store and handle gasoline and associated products on the site of the said operation in accordance with the provisions of applicable regulations issued under the said Act.
7. Notwithstanding clause 6, the Applicant shall not establish or operate facilities for the storage or handling of gasoline or associated products in any area where the surface soil is composed of sand and/or gravel, or in any area where it can or may lead to the contamination of the groundwater.

8. In this order:

- (a) "hourly equivalent sound level" means a sound level measured in terms of the equivalent continuous sound level averaged over a one hour period (60 minutes) using a sound level monitoring device which equals or surpasses the requirement of Canadian Standards Association Standard Z 107.1 - 1973 (or the equivalent) for Type 2 sound level meters, operated on the "A-weighting network" and "slow" meter response;
- (b) "impulsive characteristics" means hammering type sound having peaks one second or more apart - i.e. less than 60 impacts per minute;
- (c) "predominant discrete tone(s)" means a sound having a one-third octave band sound level which, when measured in a one-third octave band, exceeds the arithmetic average of the sound levels of the two adjacent one-third octave bands on either side of such one-third octave band by:
  - (i) 5 dBA for such one-third octave band with a centre frequency from 500 Hertz to 20,000 Hertz, inclusive, provided such one-third octave band sound level exceeds the sound level of each adjacent one-third octave band, or;
  - (ii) 8 dBA for such one-third octave band with a centre frequency from 160 Hertz to 400 Hertz, inclusive, provided such one-third octave band sound level exceeds the sound level of each adjacent one-third octave band, or;
  - (iii) 15 dBA for such one-third octave band with a centre frequency from 25 Hertz to 125 Hertz, inclusive, provided such one-third octave band sound level exceeds the sound level of each adjacent one-third octave band.

Order No. 1059

Dated at the City of Winnipeg

this 26th day of February, 1985.

  
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Chairman,  
The Clean Environment Commission.