

Environment Act Licence

Loi sur l'environnement Licence

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Licence No./Licence n° 588VCCO R

Issue Date/Date de délivrance August 28, 1987

Revised: April 15, 2002

**IN ACCORDANCE WITH THE MANITOBA ENVIRONMENT ACT (C.C.S.M. c. E125)
THIS LICENCE IS ISSUED TO:**

BORLAND CONSTRUCTION INC.; APPLICANT

- WHEREAS pursuant to the provisions of The Clean Environment Act, the Applicant filed a proposal with the department in connection with the operation of a limestone quarry located in the SW 1/4 of Section 5, Township 14, Range 2 EPM in the Rural Municipality of Rockwood, Manitoba;
- AND WHEREAS in the absence of limits, terms and conditions prescribed by a regulation, the proposal was referred to The Clean Environment Commission to prescribe limits, terms and conditions;
- AND WHEREAS a representation was made to the Commission by a person who was likely to be affected by an Order of the Commission and the Commission held a public hearing in Stonewall, Manitoba on the 26th day of April, 1976 and subsequently issued Order No. 588 on the 13th day of May, 1976;
- AND WHEREAS pursuant to Sections 14(6) and 14(7) of the said Act, the Commission held a public hearing in Stonewall, Manitoba on the 25th and 26th days of June, 1979 to determine compliance with Commission Order No. 588 and to consider whether the terms of the Order should be varied in whole in or part and issued varied Order No. 588VC on the 10th day of October, 1979;
- AND WHEREAS after receiving complaints about noise from the quarry operations in the R.M. of Rockwood, the Minister requested the Commission to hold a hearing to review the matter and, after receiving an environmental report, the Commission held a hearing in Stonewall on the 14th, 15th and 22nd days of May, 1987, pursuant to the provisions of Sections 14(6) and 14(7) of the said Act;
- AND WHEREAS the Commission considered the matter on the 8th day of June, 1987 and issued Order No. 588VCC on June 15, 1987;

- AND WHEREAS appeals to the order were filed with the Minister;
- AND WHEREAS the Minister met with the appellants and the concerned citizens on July 16, 1987 to review the grounds for the appeals and the public concerns;
- AND WHEREAS on the 27th day of August, 1987, he, the Minister, directed the Commission to vary Order No. 588VCC to comply with the provisions of Order-in-Council No. 1045/87 issued on the 27th day of August, 1987;
- AND WHEREAS Order No. 588VCC as varied to comply with Order-in-Council No. 1045/87 is hereby designated as Order No. 588VCCO.

IT IS HEREBY ORDERED THAT:

1. The Applicant shall not permit the operation of any equipment, as defined in Clause 11 of this order, used in quarry operations between the hours of 8:00 p.m. of one day to 6:00 a.m. of the following day, or at any time on Sundays or statutory holidays except when the statutory holiday falls on Tuesday, Wednesday or Thursday where the Applicant will have the option of working on the statutory holiday and observing the statutory holiday on a Monday or Friday, when the holders of Clean Environment Commission Orders No. 588VCCO, 855VCO, 856VCO, 924VCO, 925VCO and 992VCO all agree to operate on the same day and not operate on the same Monday or Friday.
2. The Applicant shall not, with respect to blasting at the site of the said operation, cause or permit the emission of:
 - a) sound which exceeds the following limits when measured beyond the property line of the said operation:
 - i) within 15 metres of a building maintained as a dwelling, 130 decibels linear peak sound pressure level;
 - ii) within 15 metres of any building maintained for use other than as a dwelling, 150 decibels linear peak sound pressure level;
 - iii) where any person other than an employee of the operation is exposed, 140 decibels linear peak sound pressure level;
 - b) soil-borne vibrations which exceed the following limits when measured beyond the property line of the said operation and inside a building below grade or less than one metre above grade:
 - i) for any building maintained as a dwelling, 12 millimetres per second peak particle velocity in any one of three mutually perpendicular directions (vertical, radial, and transverse to the source);

- ii) for any building maintained for use other than as a dwelling, 50 millimetres per second peak particle velocity in any one of three mutually perpendicular directions (vertical, radial, and transverse to the source).
3. The Applicant shall not cause or permit blasting to take place on the site of the said operation between 4:00 p.m. of any day and 9:00 a.m. of the following day, or at any time on a Saturday or Sunday, or a statutory holiday observed pursuant to Clause 1, except in emergency conditions as defined in Clause 11.
 4. The Applicant shall record and retain a log of all blasts conducted as part of the said operation, for inspection by authorized officials of the R.M. of Rockwood, the Mines Branch and the Environmental Stewardship Division, the log to include a sketch of the blast area showing the locations, depth, weight and composition of charges, the type, arrangement and delay timings of detonators used, the time of firing and details of any malfunctions or misfires together with a record of the corrective actions taken.
 5. The Applicant shall not cause or permit visible particulate emissions from any point of emission of the said operation, except blasting, that exhibit an opacity greater than or equal to:
 - a) 40 percent at any time;
 - b) 20 percent for more than four minutes in the aggregate in any one hour.
 6. The Applicant shall limit the wind entrainment of particulate matter from any source of the said operation, except blasting, to the extent that the particulate matter does not exhibit an opacity in excess of 5 percent beyond the property line of the said operation.
 7. The Applicant shall not permit open burning on the site of the said operation.
 8. The Applicant shall not extend the said quarry operation into the underground water table without prior written approval from the Environmental Stewardship Division of the said Department.
 9. The Applicant shall not establish or operate facilities for the storage or handling of gasoline or associated products:
 - a) within the excavated portion of the said quarry;
 - b) where leaked or spilled petroleum products may enter the excavated portion of the said quarry.
 10. The Applicant shall, at all times, enforce a high standard of equipment maintenance, staff training, operating procedures and good housekeeping practices consistent with complying with the limits, terms and conditions prescribed in this order.

11. In this Order:

- a) "operation of any equipment" means drills, crushers and front end loaders, trucks, conveyors when used for drilling, loading, dumping or moving of product or equipment in the quarry;
- b) "linear peak sound pressure level" means the maximum absolute sound pressure as measured using a sound level monitoring device which equals or surpasses the requirement of International Electrotechnical Commission (I.E.C.) Publications 179 (1973) 'precision sound level meters' and 179A (1973) 'Additional characteristics for the measurement of impulsive sounds', including section 4.5.1, using 'linear' weighting network and 'peak hold' meter responses, or the equivalent;
- c) "peak particle velocity" means the maximum instantaneous velocity experienced by the particles of a medium when set into transient vibratory motion, and is the greatest velocity of any of the three mutually perpendicular directions (vertical, radial, and transverse to the source);
- d) "gasoline" means a liquid product of petroleum that has a flash point below 37.8 degrees Celsius and is designed primarily for use in an internal combustion engine;
- e) "associated product" means petroleum or any derivative thereof, except gasoline, which is in a liquid state at ambient temperature and pressure;
- f) "emergency conditions" means activities taken to deal with a misfire of explosives or threatening weather conditions that may affect the safety of a scheduled blast.

12. Licence No. 588VCCO is hereby rescinded.



Larry Strachan, P. Eng.
Director
Environment Act