

**Licence No.: 2231**

**Licence Issued: November 14, 1996**

In accordance with the Manitoba Environment Act (C.C.S.M. c. E125)

THIS LICENCE IS ISSUED TO:

**JAMES J. BERSCHEID; "the Licencee"**

for the construction and operation of the Development, being a meat processing plant called Berscheid Meats, located on Lot 4, Block 2 in Parts of NW 1/4 of Section 16 and of the NE 1/4 of Section 17, Township 56, Range 26 WPM, off Provincial Highway No. 10, northwest of the Town of The Pas in the Local Government District of Consol, in accordance with the Proposal filed under The Environment Act on August 30, 1996, subject to the following specifications, limits, terms and conditions:

### **DEFINITIONS**

In this Licence,

**"affected area"** means a geographical area affected by an odour nuisance;

**"appreciable impulsive or impact character"** means sound which has a significant amount of impulsive or impact character, such as repeated hammering, explosions, clanking or banging. Impulsive or impact sounds are sounds of short duration, usually less than one second, with an abrupt onset and rapid decay;

**"approved"** means approved by the Director in writing;

**"A-weighted sound level"** means the sound level measured in dBA units with a sound level meter set on the A-weighting network, being a filter designed to approximate the relative sensitivity of the normal human ear to different frequencies of sound;

**"CAEAL"** means Canadian Association for Environmental Analytical Laboratories;

**"dB"** means decibel, a dimensionless measure of sound level or sound pressure level,

sound level =  $20 \log_{10}$  of {sound pressure (actual)}/{sound pressure (reference)};

**"Director"** means an employee of the department appointed as such by the Minister;

**"hour"** means any time span consisting of 60 consecutive minutes;

**"Leq"** (equivalent continuous sound level) means a constant or steady A-weighted sound level which, over a specified duration of time, has the same total A-weighted energy as the actual fluctuating sound;

**"Leq(1)"** means the Leq for a one-hour period;

**"licensed hauler"** means a hauler licensed by the Town of The Pas;

**"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 the affected area; or
- c. present at a location in the affected area which is normally open to the 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;

**"predominant discrete tone"** means 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:

- a. 5 dB for such one-third octave band with a center 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
- b. 8 dB for such one-third octave band with a center 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
- c. 15 dB for such one-third octave band with a center 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;

**"sewage"** means sewage as defined in Manitoba Regulation 95/88R, or any future amendment thereto, respecting private sewage disposal systems and privies; and

**"wastewater"** means any liquid containing pollutants, as defined in The Environment Act, which is designated for ultimate release from the Development 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. Notwithstanding any of the following limits, terms and 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, handling, treatment, and disposal or emission systems, for such pollutants, ambient quality, toxicity, seepage characteristics and discharge or emission rates, and for such duration and frequencies as may be specified; and/or
  - b. determine the environmental impact associated with the release of any pollutants from the Development; and/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.
2. 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" published jointly by the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation, or in accordance with an equivalent analytical methodology approved by the Director; and
  - b. ensure that all analytical determinations are undertaken by a laboratory accredited by CAEAL or an equivalent accrediting agency.
3. The Licencee shall report all the information requested through the provisions of this Licence in a manner and

form acceptable to the Director.

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

### **Respecting Liquid Wastes**

4. The Licencee shall, unless otherwise approved by the Director:
  - a. direct all sewage and process wastewater, generated in the operation of the Development, only into on-site holding tanks; and
  - b. have the contents of the holding tanks withdrawn, as needed, and hauled by a licensed hauler to the municipal sewage lagoon facility serving the Town of The Pas, for deposition into that facility in accordance with such conditions of agreement as may be applied by the Town of The Pas.
5. The Licencee shall ensure that any holding tanks used for sewage and other wastewaters comply with the requirements of Manitoba Regulation 95/88R, or any future amendment thereto, respecting private sewage disposal systems and privies.
6. The Licencee shall for the first two years following the commencement of operations at the Development:
  - a. keep records of the pump-out volumes from each holding tank;
  - b. obtain a representative grab sample of the wastewater on each occasion of pump-out from each holding tank, unless otherwise specified by the Director, and have each sample analyzed for its concentration of five-day biochemical oxygen demand expressed as milligrams per litre; and
  - c. once every six months submit to the Director the records and analytical data obtained pursuant to the requirements of sub-Clauses 6(a) and 6(b), of this Licence, in the preceding six months.

### **Respecting Solid Wastes**

7. The Licencee shall:
  - a. store all bone and meat wastes indoors, and maintain them at freezing temperatures, until they are either sold or picked up for rendering; or
  - b. in the case of an emergency condition, dispose of these wastes in accordance with Clause 8 of this Licence.
8. The Licencee shall not deposit solid waste, as defined in Manitoba Regulation 150/91 respecting waste disposal grounds, into the environment except into a waste disposal ground operating under the authority of a permit issued pursuant to Manitoba Regulation 150/91, or any future amendment thereto, where the operator of that facility has agreed to accept the solid waste from the Development.

### **Respecting Air Emissions**

9. The Licencee shall limit sound emissions from all sources of the Development to the degree that sound levels:
  - a. when measured off-site in an area zoned or used for commercial purposes, do not exceed an Leq(1) of:
    - i. 70 dBA during the daytime hours of 7:00 a.m. to 10:00 p.m., local time;
    - ii. 60 dBA during the night-time hours of 10:00 p.m. to 7:00 a.m., local time;
  - b. when measured off-site in an area zoned or used for residential purposes, do not exceed an Leq(1) 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 night-time hours of 10:00 p.m. to 7:00 a.m., local time;
  - c. when measured off-site in an area zoned or used for residential purposes, and where measurements indicate that the sounds have an appreciable impulsive or impact character or have a predominant discrete tone(s), do not exceed an Leq(1) 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 night-time hours of 10:00 p.m. to 7:00 a.m., local time;

where the sound level determinations are based on measurements that exclude any significant interfering sounds from other sources off the property of the Development, and are based on using a sound level monitoring device which equals or surpasses the requirements 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.

10. The Licencee shall not construct, alter or operate the Development, or permit the Development to be constructed, altered or operated, in a way which causes or results in an odour nuisance, and shall take such steps as the Director may require to eliminate or mitigate an odour nuisance.

### **REVIEW OR REVOCATION**

- A. If, in the opinion of the Director, the Licencee has failed or is failing to comply with any of the specifications, limits, terms or conditions set out herein, the Director may, temporarily or permanently, revoke this Licence.
- B. If the Licencee has not commenced construction of the Development within three years of the date of this Licence, this Licence is revoked.
- 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.

"original signed by"

**Larry Strachan, P. Eng.**  
**Director**  
**Environment Act**

**Client File No.: 4204.00**