

BINDER COPY

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

RE: THE CLEAN ENVIRONMENT COMMISSION and VALLEY CONCRETE WINKLER LTD., Applicant,

WHEREAS pursuant to the provisions of The Clean Environment Act, Valley Concrete Winkler Ltd. filed a proposal with the Department of Consumer and Corporate Affairs and Environment in connection with the operation of a concrete batching plant, aggregate washing plant, precast concrete plant, process water settling ponds, and other facilities located in the NE $\frac{1}{4}$ of Section 6, Township 3, Range 4 WPM, in the Rural Municipality of Stanley, 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 for the prescribing of limits, terms, and conditions;

AND WHEREAS after giving notice of the proposal, the Commission received representations from persons who are likely to be affected by an order issued by the Commission in connection with the said operation;

AND WHEREAS the Commission held a hearing in Winkler on the 1st day of June, 1981;

AND WHEREAS evidence tendered on behalf of the Town of Winkler can be summarized as follows:

- (a) due to its proposed location, the proposed operation may pose a possible threat to the Winkler aquifer;
- (b) contamination of the aquifer must be prevented as it is the water supply source for the Town and numerous other users;
- (c) the precautions against contamination proposed by the Applicant appear adequate;

AND WHEREAS the evidence adduced on behalf of the Morden, Stanley, Thompson, Winkler Planning District Board can be summarized as follows:

- (a) a study done by E. H. Hanson and Sons, based on the assumption the operation will contain an asphalt plant, indicates the possibility of groundwater pollution from the operation;

*Assigned
to A. P. C.
June 29/81
B.*

- (b) while the Board favours development, it is concerned for the protection of the aquifer;

AND WHEREAS the evidence tendered on behalf of the Applicant may be summarized as follows:

- (a) settling ponds for the settling and recycling of aggregate wash water will be rendered impermeable to protect the groundwater and adjacent soil from seepage;
- (b) no chemical will be added to the aggregate wash water;
- (c) no asphalt plant is included in the present proposal;

AND WHEREAS evidence by Mr. M. Rutulis, Groundwater Geologist of Water Resources Branch, may be summarized as follows:

- (a) the operation is not within a pollution hazard area with respect to the Winkler aquifer;
- (b) the thick clay layer underlying the operation is impermeable;
- (c) there is no reason for concern about possible pollution of the aquifer from the proposed operation;

AND WHEREAS evidence of Mr. K. Wait, Environmental Officer of Environmental Control Services of the Department of Consumer and Corporate Affairs and Environment, may be summarized as follows:

- (a) provided limits, terms and conditions, as prescribed in this order are adhered to, the operation is not expected to create problems for the neighbours arising from the noise, air, or water pollution or seepage;
- (b) it is expected the installations will be inspected before going into operation and periodically thereafter;

AND WHEREAS the Commission considered the proposal on the 15th day of June, 1981;

IT IS HEREBY ORDERED THAT

1. The Applicant shall control the emission of particulate matter from the said operation such that:

1. (a) particulate emissions from the various processes of the operation do not exceed a concentration of 0.23 grams per standard cubic metre calculated at 25 degrees Celsius and 760 millimetres of mercury at the point of emission;
- (b) particulate matter from any process of the operation does not become airborne to such an extent that the particulate matter exhibits an opacity greater than 5 percent at any point past the property line.
2. The Applicant shall construct the said water settling ponds using
 - (a) a flexible, impermeable liner; and/or
 - (b) a lining consisting of not less than one metre of clay or other suitable soil material having a hydraulic conductivity of 10^{-7} centimetres per second, or less,

installed in such a manner as to prevent the contamination of groundwater and the disruption of adjacent soil.

3. Subject to clause 4 of this order, the Applicant shall not cause or permit the emission of sound from the said operation which, when measured at any point beyond the property line of the said operation and within a residential area, results in an hourly equivalent sound level¹ in excess of:
 - (a) 60 dBA during the daytime hours of 7:00 a.m. to 10:00 p.m., local time; and
 - (b) 50 dBA during the nighttime hours of 10:00 p.m. to 7:00 a.m., local time.
4. Where subjective evaluation or measurements indicate that the sound being emitted from the said operation has a significant impulsive characteristic² or predominant discrete tone(s)³, the Applicant shall not permit the emission of sound from the said operation which, when measured within a residential area, results in an hourly equivalent sound level¹ in excess of:
 - (a) 55 dBA during the daytime hours of 7:00 a.m. to 10:00 p.m., local time; and
 - (b) 45 dBA during the nighttime hours of 10:00 p.m. to 7:00 a.m., local time.

5. The Applicant shall maintain a high standard of equipment maintenance and good housekeeping practices at all times consistent with meeting the limits, terms, and conditions prescribed in this order.

Order No. 922

Dated at the City of Winnipeg
this 26th day of June, 1981.


Chairman,
The Clean Environment Commission.

File: 2401.0

- 1 "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 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.
- 2 "impulsive characteristic" means hammering type sound having peaks one second or more apart - i.e. less than 60 impacts per minute.
- 3 "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 in 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 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
 - (b) 8 dB 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
 - (c) 15 dB 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.