

B. N. D. E. copy

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

**RE: THE CLEAN ENVIRONMENT COMMISSION and CATALYTIC ENTERPRISES LIMITED,
Applicant,**

- WHEREAS** pursuant to the provisions of The Clean Environment Act, Catalytic Enterprises Limited filed a proposal with the department in connection with the operation of a plant for the manufacture of liquid oxygen by extraction from the atmosphere, the said plant to be located on property described in Appendix "A" to this order, at or near 2230 Main Street in the City of Winnipeg, Manitoba;
- AND WHEREAS** in the absence of limits, terms and conditions prescribed by a regulation issued 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 likely to be affected by an order issued by the Commission in connection with the said operation;
- AND WHEREAS** the Commission considered the proposal on the 19th day of September, 1983;

IT IS HEREBY ORDERED THAT

- Assigned to APC [Signature] Sept 27/83*
1. Subject to 4, the Applicant shall not cause or permit the emission of sound from the said operation 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.

1. (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.
2. Subject to 4, the Applicant shall limit the emission of odours to such an extent that odours from the said operation are not detectable at any point of impingement beyond the property line of the said operation in a residential area when one volume of odorous air is diluted with one equal volume of odour-free air.
3. The Applicant shall notify the Environmental Management Division, with a copy to the Commission, not less than 14 days in advance of scheduled plant defrost operations.
4. The limits prescribed in the order shall not apply during plant defrost operations.
5. 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 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;
 - (b) "impulsive characteristics" means hammering type sound having peaks one second or more apart - i.e. less than 60 impacts per minute;

5. (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 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,
 - (ii) 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,
 - (iii) 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.

Order No. 1002

Dated at the City of Winnipeg

this 22nd day of September, 1983.


Chairman,
The Clean Environment Commission.

File: 2585.0

APPENDIX "A"
To Order No. 1002
of The Clean Environment Commission

DESCRIPTION OF PROPERTY

All those portions of River Lot Twenty-Four, according to the Dominion Government Survey of the Parish of Kildonan, in Manitoba, lying between two lines drawn Northerly at right angles to the Northern limit of Lot Five, which Lot is shown on a Plan of Survey of Part of River Lots Twenty, Twenty-One and Twenty-Two of said Parish, registered in the Winnipeg Land Titles Office as Number 13468, from points in the said Northern limit distant Westerly thereon 183.37 metres and 217.37 metres respectively from the most North Eastern corner of said Lot Five, which lies between two lines drawn North of, parallel with and perpendicularly distant 147.16 metres respectively from the said Northern limit.