

# Environment Act Licence

Manitoba  
Environment



Licence No. 1459

Issue Date APRIL 15, 1991

In accordance with the Manitoba Environment Act (C.C.S.M. c. E125) **(REVISED: NOVEMBER 7, 1991)**

THIS LICENCE IS ISSUED TO:

**FRANKLIN FERTILIZER LTD.: APPLICANT**

The following limits, terms and conditions shall be complied with by Franklin Fertilizer Ltd., in connection with the operation of a fluid fertilizer outlet located on Block 2, Plan 7110 NLTO, Section/Lot 3, in SW 1/4 Section 6-15-16 WPM, in the Village of Franklin, Manitoba:

1. The Applicant shall limit the emission of particulate matter from the operation to such an extent that airborne particulate matter from any part or process of the operation does not at any time exhibit an opacity in excess of 5 percent past the property line of the operation.
2. The Applicant shall not cause or permit the emission of sound from the operation which, when measured beyond the property line of the operation in a residential area:
  - a) subject to sub-Clause 2(b), exceeds an hourly equivalent sound level  $L_{eq}(1)$  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 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.
3. Noise level determinations, pursuant to clause 2 of this Licence shall be based on measurements made as follows:
  - a) beyond the property line of Franklin Fertilizer Ltd.; and,
  - b) excluding any significant interfering sounds from other sources; and,

- c) in terms of the equivalent continuous sound level averaged over a 1-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.
4. The Applicant shall ensure that surface and groundwater resources are protected from potential spill events at the site of this operation by :
  - a) constructing a spill pond adequately sized and maintained so as to assure an available catchment volume of 500 cubic metres (110,000 imperial gallons);
  - b) constructing clay berms at least 0.6 metres (2 feet) high along the south, west and north side of the storage facility, with the berms ditched on the inside to drain into the spill pond;
  - c) ensuring that the surface grounds of the whole facility are adequately graded towards the spill pond and/or the ditches draining into the spill pond; and
  - d) ensuring that the facility's surface grounds and the spill pond are lined with compacted soil to at least one metre in depth which is able to exhibit a hydraulic conductivity of  $10^{-7}$  centimetres per second, or less.
5. The Applicant shall, within 3 months of the date of issue of this Licence, prepare and submit to the Director for approval, a contingency plan for dealing with the removal of excess accumulations of precipitation and contaminated runoff in the pond, as well as for the quick recovery and storage or disposal of spilled liquid fertilizer collected within the pond from possible spill events of up to and including the volume of the largest surface storage tank on site.
6. In the event of a liquid fertilizer spill, the Applicant shall clean up the spill as quickly as possible in accordance with the approved contingency plan; and where such a spill is in excess of 10,000 litres (2,200 imperial gallons), the Applicant shall notify the Director of the accident within 24 hours of becoming aware of the incident.
7. The Applicant shall not pump out or otherwise release any liquid contents from the spill pond into a surface highway or municipal drainage system or waterway.
8. The Applicant shall ensure that the entire storage facility, including the spill pond, is fenced for security and public protection by August 1, 1991.

9. In this Licence,

"Lequivalent" or "Leq" means the equivalent A-weighted sound level, which signifies the intensity (dBA) of the constant or steady sound level that would result in exposure to the same total A-weighted energy as would the specified time varying sound, if the constant sound level persisted over an equal time interval.

"Leq(1)" means the equivalent sound level for a 1-hour period.

10. Environment Act Licence No. 1297 is herewith rescinded.



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

**File: 3033.1**