

“8.2. The number of hours worked in an occupation entailing the application of section 7.1 is 5000 for a woman who is the holder of an occupation competency certificate.”.

2. The Regulation respecting the hiring and mobility of employees in the construction industry, approved by Order in Council 1946-82 dated 25 August 1982 and amended by the Regulations approved by Orders in Council 276-84 dated 1 February 1984, 359-85 dated 21 February 1985, 162-86 dated 19 February 1986, by section 42 of Chapter 89 of the Statutes of 1986, by Orders in Council 306-88 dated 2 March 1988, 349-89 dated 8 March 1989, 230-90 dated 21 February 1990, 1743-90 dated 12 December 1990, by section 72 of Chapter 61 of the Statutes of 1993, by the Regulation approved by Order in Council 799-94 of 1 June 1994 and by section 59 of Chapter 8 of the Statutes of 1995, is further amended by substituting the following for section 44:

“44. When the Commission refers manpower to an employer, it selects the available employees, who are able to carry out the work being offered, according to the following criteria, in addition to those set out in section 35:

- (1) women shall be referred first;
- (2) a person domiciled in the sub-region where the work is to be carried out shall be referred before other available persons;
- (3) amongst the persons meeting the criteria set out in subsections (1) and (2), those who have worked the greatest number of hours during the last 10 years preceding the year of the referral request shall be referred first.”.

3. This Regulation shall come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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## Draft Regulation

Environment Quality Act  
(R.S.Q., c. Q-2)

### Noise from agricultural activities

Notice is hereby given that, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act (R.S.Q., c. Q-2), the “Regulation respecting noise from agricultural activities”, the text of which appears below, may be enacted by the Québec government within 60 days of this publication.

The Act to amend the Act to preserve agricultural land and other legislative provisions in order to promote the preservation of agricultural activities (1996, c. 26) was adopted on June 20, 1996. It grants agricultural producers immunity from lawsuits by third parties claiming to be troubled by a nuisance insofar as the producer’s activities comply with the regulatory standards governing noise and dust contemplated by the Environment Quality Act or, in the absence of such standards, with the provisions of said Act.

It is within this context that the draft regulation defines the noise level that agricultural producers must respect in their activities in order to enjoy the abovementioned immunity. Noise from stationary agricultural sources may not exceed 65 decibels, measured at the point of impact, i.e. the building affected by the nuisance. Such sources include hay or grain dryers, ventilators, grain-handling machinery, refrigeration systems and small-animal scare devices. While this standard may affect a large number of agricultural operations, the cost involved in complying with it is minimal.

For information on the proposed Regulation respecting noise from agricultural activities, please contact Pierre-Paul Dansereau, Direction des politiques des secteurs agricole et naturel, Ministère de l’Environnement et de la Faune, 675, boulevard René-Lévesque Est, 8<sup>e</sup> étage, Québec (Québec), G1R 5V7; phone (418) 521-3829, ext. 4836.

Anyone wishing to make comments on the proposed regulation is asked to submit them in writing, before the end of the 60-day period, to the Minister of the Environment and Wildlife, Édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 30<sup>e</sup> étage, Québec (Québec), G1R 5V7.

DAVID CLICHE,  
*Minister of Environment  
and Wildlife*

## Regulation respecting noise from agricultural activities

Environment Quality Act  
(R.S.Q., c. Q-2, s. 31, para. a, c and e, s. 109.1 and s. 124.1)

### DIVISION I SCOPE

**1.** The provisions of this regulation apply to noise resulting from agricultural activities, caused by stationary sources such as bird or mammal pest control systems, hay dryers, grain dryers, fans, grain-handling machinery or refrigeration systems.

However, they do not apply to noise resulting from agricultural activities from mobile sources, caused by the movement of motorized or mechanized equipment during work in the fields.

The provisions of this regulation apply to buildings in a control area or in an agricultural zone established pursuant to the Act to preserve agricultural land (R.S.Q., c. P-41.1).

### DIVISION II NOISE LEVELS AND DETERMINATION OF NOISE LEVELS

**2.** Noise levels from the sources mentioned in article 1 shall not exceed 65 decibels at the point of impact.

Noise levels shall be determined by the method described in Schedule I, using a Class 1 or 2 sound level meter, which shall comply with the standards set out in International Electrotechnical Commission publication 651 (1979), entitled "Sound Level Meters".

In this regulation, "point of impact" is taken to mean the place at which the intensity of the noise produced by an agricultural source is measured.

**3.** The sound level meter shall be calibrated in accordance with the manufacturer's instructions.

It shall be placed at the height and distance given below:

- a height of 1.2 m above ground level;
- a distance of more than 3 m and less than 6 m from walls or similar obstacles likely to reflect sound waves;
- a distance of more than 3 m from roadways.

**4.** Noises may not be measured when wind speeds exceed 20 km per hour or during precipitation.

Noise may not be measured when the relative humidity exceeds 90 % unless the sound level meter used is designed to operate under such conditions in accordance with the manufacturer's instructions.

### DIVISION III PENALTIES

**5.** Any breach of sub-section 1 of section 2 shall make the operator of the noise source liable to a fine of:

1. \$1,000 to \$15,000 for a first offence and \$4,000 to \$40,000 for any subsequent offence, for a natural person;
2. \$1,000 to \$90,000 for a first offence and \$4,000 to \$120,000 for any subsequent offence, for a legal person;

### DIVISION IV FINAL PROVISION

**6.** This regulation shall come into effect on the fifteenth day after the date of its publication in the *Gazette officielle du Québec*.

### SCHEDULE I (s. 2)

#### METHOD FOR NOISE LEVEL DETERMINATION

The noise level caused by a source mentioned in section 1 and resulting from an agricultural activity shall be measured according to the following formula:

$$L_e = 10 \log_{10} \{ ((0.0014 \text{ m}) 10^{(L_i+5)/10}) + 10^{L_i/10} \} - (A_d + A_b) + P$$

where:

- $L_e$  = noise level at point of impact;
- $A_d$  = attenuation caused by distance;
- $A_b$  = attenuation caused by a barrier;
- $L_i$  = equivalent level of impact noise;
- $L_x$  = equivalent level of a noise;
- $P$  = 5 for any disturbing noise composed of verbal or musical sounds;
- $P$  = 0 for any noise not composed of verbal or musical sounds.

Attenuation caused by distance shall be calculated as follows:

$$A_d = 20 \log_{10} (d_1/d_2)$$

in which:

$d_1$  = distance from the source and the point of impact, and

$d_2$  = distance from the source and the point of measurement of the noise.

Attenuation caused by a barrier shall be calculated as follows:

$$A_b = 10 \log_{10} 40(\Delta/\lambda)$$

In this equation,  $\Delta$  corresponds to the difference in the distance travelled by the sound wave between a straight trajectory and the passage over a barrier, while  $\lambda$  is the wave length considered as a coherent unit. For all calculations, 500 hertz is the frequency considered.

$L_i$  = equivalent level of impact noise:

Calculation of the logarithmic mean of the peak levels of impact noises produced during the reference period which are recorded at the point of measurement.

The formula to be used is as follows:

$$L_i = 10 \log_{10} \left\{ \frac{1}{m} \sum_{n=1}^m 10^{dBn/10} \right\}$$

where:

$dBn$  = peak level of the Nth impact noise during the reference period.

$m$  = total number of impacts during the reference period.

If the number of impacts is over 720/hour,  $m = 720$ .

$L_x$  = equivalent level of a noise:

The formula to be used is the following:

$$L_x = 10 \log_{10} \frac{1}{100} \sum f_i 10^{Li/10}$$

where:

$f_i$  = time interval (expressed in percentage of the reference time) during which the noise level is less than the limit of class  $i$ .

When a source mentioned in section 1 is not in a period of emission, the corresponding  $f_i$  are equal to 0.

$L_i$  = sound level in dBA corresponding to the average class of  $i$ .

The scope of class  $i$  must be fixed at a value equal to or less than 2 dBA and the period of sampling must be equal to or less than 0.1 second.

For the purposes of this method of determination, the period of reference shall be 60 consecutive minutes. If the determination is based on a period of less than 60 minutes, an adjustment must be made so that the ratio between the periods of emission and the pause be the same.

All the measurements shall be made in dBA, i.e., the overall noise value, corrected based on the "A" scale established in compliance with the standards and methods prescribed in publication 651 (1979) of the Central Office of the International Electrotechnical Commission, entitled "Sound Level Meters".

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