



PROJECT CHARTER

RULE 012 - NOISE CONTROL

Prepared by: Alberta Utilities Commission (AUC)

Document Version: 1.0

Disposition: Final

Date	Document Version	Document Revision Description	Document Author
October 6, 2009	Ver. 0.1	First draft	RT, RL
October 26, 2009	Ver. 0.2	Project Charter with revised and supplemented text, schedule, and figures attached	MK
October 28, 2009	Ver. 0.3	Project Charter with terms “consultant” and “Approval Holder” removed, schedule adjusted	MK
November 2, 2009	Ver. 0.4	Process refined and Schedule adjusted	MK
November 3, 2009	Ver. 0.5	Incorporate comments from Steering Committee	MK
November 16, 2009	Ver. 1.0	Final	

Approval Date	Approved Version	Approver Role	Approver	Initials

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1. Introduction & Background

On March 24, 2009, the Alberta Utilities Commission (AUC or Commission) issued Rule 012 - *Noise Control* (Rule 012), which is applicable to noise emitted from the construction and operation of electric and natural gas utility facilities. The AUC Rule 012 evolved from the Alberta Energy and Utilities Board and Energy Resources Conservation Board (ERCB) Directive 38 and its predecessors (ID 80-2, ID 88-1 ID 92.2, ID 94-4, and ID 99-8).

Participants in the 2008-2009 review and consultation process included Alberta Environment (AENV), Alberta Energy, National Energy Board (NEB), ERCB, acoustical practitioners, and AUC stakeholders. In that review, industry participants provided comments and requested clarification on administrative and technical matters. Technical considerations were set aside in the rollout of Rule 012 pending a future technical review.

Industries governed by Rule 012 are gas utilities as defined by the Gas Utilities Designation Regulation that currently specifies ATCO Gas and Pipelines Ltd. and, AltaGas Utilities Inc. Rule 012 also applies to the holder of an order, approval or permit issued under the Hydro Electric Energy Act (HEEA) to construct or operate a “hydro development”, “power plant”, “substation”, or “transmission line” as defined under that act.

Since the initial rollout of Rule 012, it has become apparent that portions of the rule require clarification while others require amendment to ensure coordinated regulation of noise throughout the energy sector. This will be a two-phase project; the first phase will address administrative changes followed by a more lengthy technical review involving direct consultation with stakeholders.

2. Purpose of this Document

This document outlines the scope and objectives of the review of Rule 012, the governance by which the review will be undertaken by the Commission, in consultation with stakeholders and the schedule for recommending proposed changes to AUC Rule 012.

3. Project Mission & Objectives

3.1. Project Context

ERCB Directive 038 and AUC Rule 012 contain requirements for noise regulation of energy facilities within the respective jurisdiction of each agency. The prediction of noise requires assessment of the cumulative noise from existing and proposed “energy-related facilities” – facilities that may be regulated by either agency. Cumulative assessment of noise therefore requires a coordinated regulation of noise. ERCB staff will directly participate in the Rule 012 consultation with a view to helping ensure coordinated regulation of noise in the energy sector. Participation in the review process will include all interested stakeholders including holders of AUC Approvals, landowners, land-owner groups, utility consumer groups and acoustic practitioners.

The review will be conducted in two phases as follows:

Phase 1:

- An Administrative Review to correct administrative errors or omissions in the current version of Rule 012; and

Phase 2:

- A Technical Review, utilizing recommendations from the Technical Review Committee, to address technical noise issues. An initial list of topics to be considered for Phase 2 is provided in Appendix 1 and a more complete list will be developed in consultation with stakeholders.

3.2. Project Completion

- A draft of the Rule 012, showing the proposed administrative changes will be delivered to the Commission by March 2010, for a decision.
- A draft of the Rule 012 (version 1.y), containing proposed technical changes developed through the Technical Review Committee, will be delivered to the Commission by March 2011 for a decision.
- Provisions in the Rule, not completed during the previous reviews, will be finalized and a draft of Rule 012 delivered to the Commission by March 2012 for a decision.

3.3. Measures of Completion

This project will be complete with the release of revisions of Rule 012 that will promote more thorough and complete environmental noise submissions to support facility applications.

3.4. Decision Making

A Project Development Committee (PDC) will be established and make recommendations by consensus with the understanding that the Commission retains authority for accepting, rejecting or modifying the proposed changes to Rule 012. Where consensus is not reached by the PDC, the unresolved issues will be documented and recommendations about those issues provided to the Steering Committee. The Steering Committee will review the issue and make a determination.

3.5. Project Scope

The following items are in scope for this project:

#	Scope Item	Description
Phase 1	Administrative Issues	Items of administrative or “house keeping” will be identified and proposed for correction.
Phase 2	Technical Issues	Items requiring technical evaluation or clarification that may have technical implications

In Phase 1 of this project, administrative changes to Rule 012 are being proposed to improve readability, provide additional clarity and ensure consistency in noise regulation of the energy sector.

The scope of administrative changes will be limited to:

- Revising content to improve continuity and clarity,
- correcting punctuation , grammar and terminology;
- correcting contradictory ideas, if any; and,
- Changes inadvertently introduced when Rule 012 was transcribed from ERCB Directive 038.

Technical issues, identified in Phase 1, will be deferred and addressed in Phase 2 of this project.

The following items are out of scope for both Phase 1 and Phase 2 of this project:

#	Out of Scope Item	Description
1	Changes in policy	Any policy related matters raised during the review will be brought to the attention of the Steering Committee

Significant policy issues, identified during this project, will be recorded for consideration and addressed in a separate process.

3.6. Stakeholder Expectations & Deliverables

The following list identifies the project stakeholders, their expectations and the specific deliverables that contribute to project outcomes.

Stakeholder	Expectation	Deliverable
Holders of AUC Approvals, landowners, land owner and utility consumer groups, and acoustic practitioners	To be consulted regarding the numerous comments, requests for clarification and proposed technical changes to Rule 012 received since the initial release.	Provide comments on proposed administrative changes and detailed input regarding technical changes to ensure that requirements are clear.
ERCB Staff	To be directly consulted about proposed changes to AUC Rule 012. Coordinated regulation of noise generated by the Energy Sector.	Provide comments on proposed administrative changes and detailed input regarding technical changes to help ensure that requirements for noise control are coordinated throughout the Energy Sector in Alberta.
Other government Agencies	The NEB, AENV, and Alberta Energy have previously provided comment on AUC’s draft Rule 012 and will be specifically invited to participate. The Natural Resources Conservation Board will also be consulted for consistency.	Review and possibly provide comments on draft revisions to the rule.

Stakeholder	Expectation	Deliverable
AUC Staff	Lead the development of administrative revisions to Rule 012. Coordinate second technical review and revision of Rule 012	Draft of administrative changes ready for Commission approval by March 2010. Draft of technical changes ready for Commission approval by March 2011. Provisions not previously completed, will be finalized and a draft of Rule 012 delivered to the Commission by March 2012.

4. Governance Model

4.1. Roles

(i) Commission Sponsor

A Commission Sponsor will be assigned by the Commission Chair and will oversee policy implications of proposed changes to Rule 012.

(ii) Project Sponsor

Wade Vienneau is the Project Sponsor to oversee the Project, act as a liaison between staff and the Commission Sponsor, and serve as Chair of the Steering Committee.

(iii) Steering Committee

A Steering Committee is to provide direction to the PDC, review the final draft Rule with a view to recommending its acceptance to the Commission. The Steering Committee members are listed as follows:

Wade Vienneau, Executive Director, Facilities
Don Popowich, Director, Facilities, and
Doug Larder, Executive Director, Law.

Mr. Ken Banister, Section Leader, Environmental Services, of the ERCB may be consulted by the Steering Committee as needed.

(iv) Project Manager

Mark Kavanagh is the Project manager, to report to the Steering Committee on project progress and ensure that project schedules and budgets are adhered to.

(v) Project Development Committee (PDC)

The PDC will be the working group that conducts the review, recommends proposed changes to the Rule and reports to the Steering Committee. All submissions to the Steering Committee will first be subject to a legal review by the AUC’s Law Division.

5. Project Approach

5.1. Project Approach

The project will be conducted in two phases as follows:

Phase 1 – Administrative Review:

The Administrative Review PDC will be conducted primarily by AUC and ERCB staff and include participation by AUC stakeholders and acoustic practitioners. The Facility and Regulatory Policy Divisions will organize and facilitate the meetings with stakeholders.

Phase 2: Technical Review:

A Technical Review PDC will be formed including stakeholders who express an interest in participating on the Committee. The Technical Review PDC will include AUC and ERCB staff listed below as well as AUC stakeholders and interested acoustic practitioners. The PDC will review and propose resolutions to technical issues related to Rule 012. AUC Regulatory Policy staff will facilitate the stakeholder meetings, compile the issue discussions, record inputs, and develop recommendations to resolve issues related to changes to Rule 012. In a situation where consensus is not reached, documentation of dissenting views will be submitted to the Steering Committee for consideration.

The AUC and ERCB staff assigned to both the Administrative and Technical Review are:

Giuseppa Bentivegna, Legal Counsel
Jack Davis, AUC Environmental Specialist
Mark Kavanagh, Project Manager
Don South, ERCB Acoustic Specialist, and
Robert Thomas, Raymond Lee, William Chow, Facilitators.

5.2. Change Control

Any changes to the project scope, schedule or budget will be managed through a formal change control process and approved by the Steering Committee prior to implementation. As discussed in Section 4.2, Phase 1 will address only ‘administrative changes intended to correct errors and ensure consistency in noise regulation throughout the energy sector.

Any technical issues identified during Phase 1 will be deferred and addressed in Phase 2 Review. It will, through direct consultation, examine and resolve technical issues identified in

Rule 012. Policy issues that are identified, during either phase of this project, will be noted and considered in a separate process.

5.3. Issue Management

Where consensus on proposed administrative or technical changes for Rule 012 cannot be reached, the dissenting views will be recorded. AUC staff will recommend changes to the draft Rule and provide to the Steering Committee all dissenting opinions. The Steering Committee will review the documentation on unresolved issues and make a determination.

5.4. Quality Assurance

Representatives from industry, acoustic practitioners, landowners and groups or entities representing the public will be invited to participate in this review and revisions of Rule 012. This consultative approach will help ensure that proposed changes are endorsed by a majority of stakeholders.

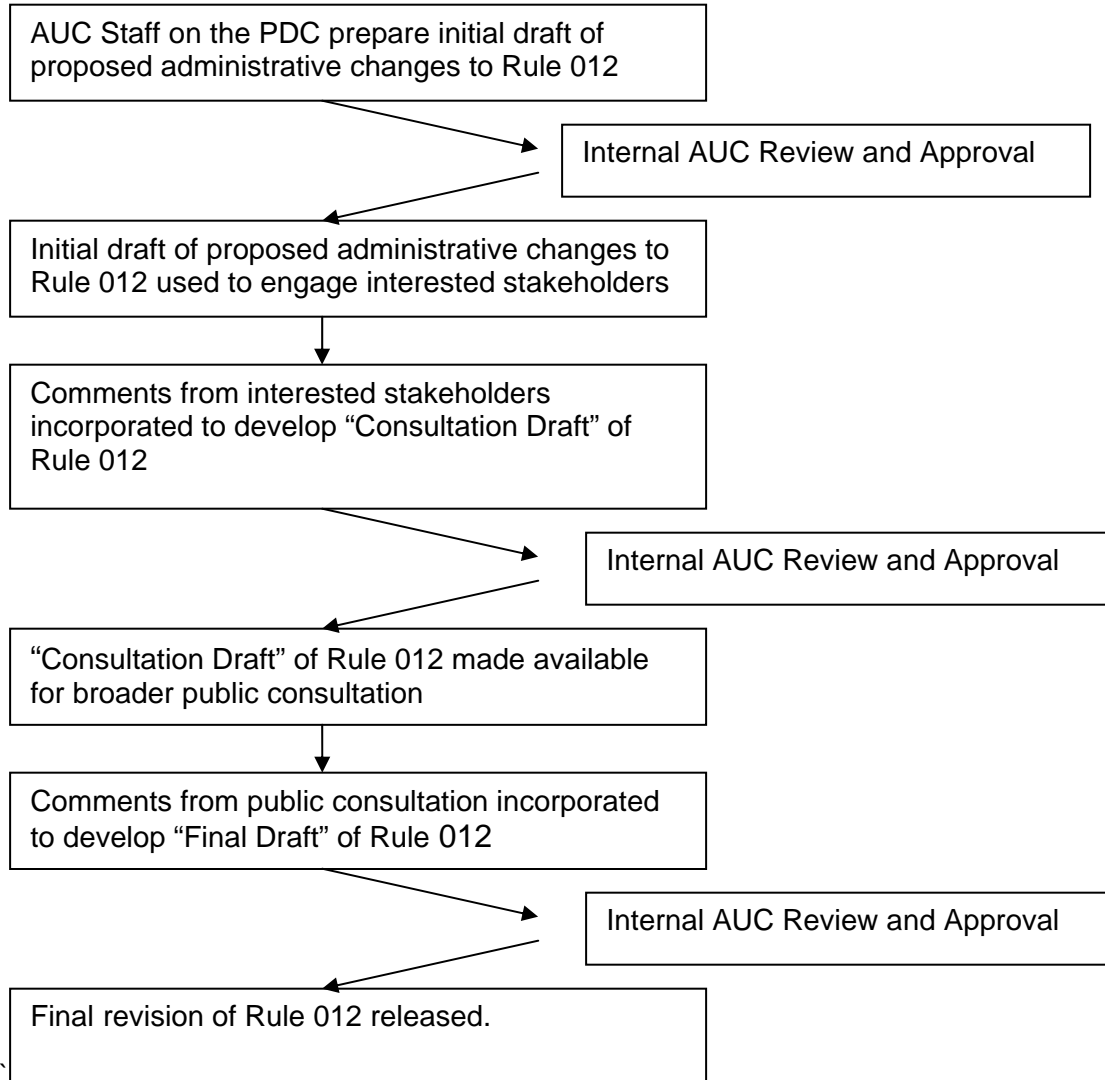
The Steering Committee will review the proposed changes to Rule 012, prior to consideration of those changes by the Commission. The Project Manager is responsible for the overall quality of the project and will proactively deliver draft reports to the respective committees. Each committee is responsible for ensuring the timely review of draft documents according to the schedule proposed and commitment to project outcomes.

The Project Manager will inform the Steering Committee, through regular progress reports, adherence to the project schedule and budget and any issues that may affect the expected outcome of the work.

5.5. Key Milestones and Deliverables

The primary deliverables that result from the Phase 1 Administrative Review are provided below. Phase 1 will result in a final revised version of Rule 012. An initial draft of proposed administrative changes, prepared by AUC staff, will be used to initiate consultation with interested stakeholders. Comments, received during that initial consultation, will be incorporated and a “Consultation Draft” of Rule 012 will be prepared for further public consultation. Comments from that further consultation will be incorporated as needed, and a “Final Draft” of Rule 012 will be provided to the Commission for review and approval. If approved, the Commission will then issue the revised Rule.

Figure 1 Schematic of Phase 1 of Rule 012 Development and Approval Process



5.6. Progress Reporting

The Project Manager will prepare a brief status report and meet with the Steering Committee, as requested, to present project deliverables, review status, identify and resolve issues and confirm project direction. During Phase 2, Technical Review, the Project Manager, in collaboration with the stakeholders, will perform ad hoc checkpoints and schedule formal status meetings with key stakeholders as required.

5.7. Communication

The AUC website, E-mail and memos will be the primary means of communication for the project.

The Steering Committee and where needed, the Project Sponsor, will approve project related correspondence to stakeholders.

6. Project Timelines

6.1. Phase 1 : Administrative Review Scheduled for Completion March 2010

The Administrative Review will commence by issuing a bulletin during the second week of November. That bulletin will describe the process for revising Rule 012 and invite stakeholder comment regarding an initial set of administrative changes proposed by AUC staff members of the PDC.

Stakeholder comments will be compiled and used to develop a revised Rule 012. Depending upon the feedback received, a direct meeting may be held with stakeholders to discuss any contentious issues regarding the administrative revisions proposed.

A revised draft of the Rule will be prepared and submitted to the Commission for final review, approval and release by March 2010.

6.2. Phase 2: Technical Review – Scheduled for Completion March 2011

Work to develop a detailed work plan will commence once the Phase 1 tasks are completed.

Appendix 1 Examples of Topics Not Considered to be “Administrative Changes”

The Phase 1 Administrative Review will implement administrative changes to AUC Rule 012 as described in section two and three of this Project Charter. The following is a sample list of issues that are not administrative in nature and provided here to illustrate the type of issues not within the scope of the Phase 1 Administrative Review. A more complete list of technical issues, to be addressed in Phase 2 will be developed in consultation with stakeholders. It is important to note that some of the items listed below are considered policy issues, which will be addressed through a separate process and are not within the scope of the Phase 1 Administrative Review or Phase 2 Technical Review.

- Wind turbines – where and how to measure noise emitted for compliance.
- Smaller noise sources – definition and approval process.
- Exemptions from the AUC Rule 012 (For clarification in AUC Rule 007 and 020).
- Review content and use of NIA Form. Clarify it is a summary form, and not a substitute for a complete NIA. Refer to form in text and clarify its use.
- Review content and use of Complaint Investigation Forms.
- Pre-1988 or deferred facilities. When is a 'Deferred Facility' no longer considered deferred? e.g. expanded facility, what about downsized or modified but not expanded
- The PSL for deferred facility may be applied to other adjacent facilities - but that adjusted PSL only applies when the deferred facility is operating - if deferred facility stops operating the PSL applied to the other adjacent facility immediately reverts to the standard PSL
- Jurisdictional overlap of facility regulators (ERCB and NEB, for Co-generating facilities at Oil Sands, oil wells converting from hydraulic pump drives to electric motors and small 'gen-sets'.
- Requirements for NIA in original submissions; are NIAs required for all facility types? i.e. maybe not needed if not continuous noise source; must stipulate reason
- Auditing, field surveillance and enforcement.
- Clarify Noise Management Plans are regional plans, endorsed by government, and not facility-specific compliance plans.
- For wind turbines – during construction the turbine 50 m can be moved from the approved location – which may cause turbines that generate noise close to PSL to violate PSL if moved closer to dwelling
- Rule currently addresses only noise at dwellings. What about public institutions where noise is generally restricted such as schools hospitals where people stay but are not included in that definition? What about commercial establishments like hotels motels and churches?
- Clarify requirements for determining when a road is considered to be “heavily travelled”