

## Summary of Stakeholder Comments on the Proposed Administrative Changes for AUC Rule 012 – Noise Control

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<b>SECTION 1: GENERAL PROVISIONS</b>					
<b>1.1 f</b> Definition of PSL	<i>“PSL” means permissible sound level.</i>	There are other significant acronyms that could be defined as definitions in this section. PSL is defined in the Appendix 1 and the acronyms can be introduced in the text similar to other acronym found in the text.	Remove the definition of PSL from the Section 1.1 (f).	<b>AltaLink Management Limited</b> For readability, why not define all acronyms?	All Acronyms are defined in Rule 012, and the definition of PSL will be removed. The section will be changed as proposed.
				<b>HFP Acoustical Consultants Corp.</b> OK. But then should have a reference to Appendix 1 for the reader	A reference to Appendix 1 is not necessary as it is listed in the Table of Contents. The section will be changed as proposed.
<b>1.1 g</b> Definition of receptor	<i>“receptor” means a dwelling near the facility</i>	Receptor is generally considered to be the entity that perceives the sound not the dwelling in which they live.	Change term “receptor” to “dwelling” where appropriate throughout the text. Remove from the Section 1.1.	<b>HFP Acoustical Consultants Corp.</b> OK with the proposed change	AUC will delete the definition of “receptor” in 1.1 g
				<b>Capital Power Corporation</b> With respect to the proposed replacement of the term “receptor” with “dwelling”, we respectfully request the AUC to consider including a description of where the measurement point is expected to be	See response under section 1.3

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				for a dwelling. While it may be generally agreed that the “dwelling” would represent a domicile or business, the Rule would be better served with a revision that provides clarity of where the measurement point of a “dwelling” begins (point of the physical structure versus point of the property line).	
				<b>Shell Canada</b>  Appendix 1 of the AUC Project Charter for the review of Rule 012 identifies a number of topics that are not administrative in nature, and are therefore beyond the scope of the Phase 1 Administrative Review. One of the topics listed in Appendix 1 relates to types of noise receptors other than dwellings (e.g. schools, churches). If the AUC is planning to consider the inclusion of other types of noise receptors into Rule 012 in the future, its proposal to replace “receptor” with “dwelling” in some instances throughout the text of Rule 012 may be premature. Shell suggests that the AUC not change wording from “receptor” to “dwelling” at this time, and at least wait until the Phase 2 - Technical Review of Rule 012 determines whether other types of receptors will be addressed by the Rule. If other types of receptors are ultimately included in Rule 012, then some administrative changes of wording from “receptor” to “dwelling” may not be appropriate.	The changes described are needed to improve clarity of the Rule. Noise receptors, other than dwellings, will be discussed in the Phase 2 - Technical Review.

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				<p>It is noted that the AUC proposes to make this change “where appropriate”. If the definition of “receptor” is removed from Section 1.1, and the word “receptor” is only replaced with the word “dwelling” in some instances in the text, the Rule will continue to refer to “receptors” in some instances without clarification on the meaning of the term. In this case, Shell suggests that the term “receptor” be defined in the Rule’s Appendix 1 (Glossary). Doing so would allow for additional types of receptors to be added to this definition as necessary.</p> <p>It is Shell’s understanding that there will be an opportunity to review the text of Rule 012 incorporating Phase 1 administrative changes before it is finalized and approved. Shell looks forward to participating in this later, more detailed review to observe and possibly comment on the implications of specific wording changes from “receptor” to “dwelling”.</p>	

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1.2	<i>Subject to section 2.3, a facility constructed prior to 1988 is exempt from this Rule until October 17, 2018, unless the Commission orders otherwise</i>	To clarify	<i>Add in reference to section 2.3 to read: A facility constructed prior to 1988 is exempt until October 17, 2018, <b>subject to Section 2.</b> unless the Commission orders otherwise.</i>	<p><b>AltaLink Management Limited</b></p> <p>Should the reference be to s. 2.3, not S.2 if the intention is to exempt pre 1988 facilities.</p> <p><b>HFP Acoustical Consultants Corp.</b></p> <p>Need to refer to section 2.3, not just section 2.</p> <p><b>ENMAX Corporation</b></p> <p>EEC believes the proposed change should read: <i>A facility constructed prior to 1988 is exempt from <u>this Rule</u> until October 17, 2018, subject to Section 2.3, unless the Commission orders otherwise.</i></p>	The proposed change of section 1.2 will not be incorporated. Instead, reference to facilities constructed prior to 1988 has been removed from section 1.2. Section 2.3 has been amended. See details related to section 2.3 below
1.3	<i>In this Rule, noise is measured at the point of the receptor, rather than at the property line of the dwelling.</i>	To clarify	Change this sentence to read: <b><i>In this Rule, for compliance, noise is measured at the nearest or most impacted dwelling.</i></b>	<p><b>ERCB</b></p> <p>Should include a reference to Section 4.0</p>	The AUC has reviewed the comment received and the proposed change was modified slightly. The phrase <i>for the purpose of determining compliance</i> was added to section 1.3 to make the requirement generally applicable.

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				<p><b>AltaLink Management Limited</b></p> <p>a) The second sentence refers to "facility fence line". However, facilities such as gas pipelines and transmission lines do not have a fence line.</p> <p>b) (i) is the reference to "receptor" still appropriate?</p> <p>b) (ii) Why impose the 40 dBA Leq limit if there are no receptors/dwellings</p>	<p>a) Noise measurement where there is no 'facility fence line' is a technical matter that will be discussed in the Phase 2 – Technical Review of this rule.</p> <p>b) (i) Noise receptors, other than occupied dwellings, will be discussed in the next Phase 2 – Technical Review of this rule.</p> <p>b) (ii) Uncontrolled noise from the energy-industry is unacceptable. The 40 dBA Leq limit at 1.5 km radius was established assuming that the ambient noise level in typical rural Alberta is 35 dBA and an additional 5 dBA was allowed for energy industry development.</p>

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				<p><b>Shell Canada Limited</b></p> <p>Shell suggests the following alternative wording to clarify the first sentence of Section 1.3: <i>In this Rule, for compliance, noise is measured at a distance of 15 m from the nearest or most impacted dwelling, rather than at the property line of the land on which the dwelling is located.</i> Regarding the use of the word “dwelling” in the first part of the sentence of Section 1.3, Shell reiterates the comment made above regarding Section 1.1g.</p>	<p>The AUC has considered the comment received and amended the section as follows:</p> <p><i>For the purpose of determining compliance with this Rule, noise is measured at a distance of 15 m from the nearest or most impacted dwelling, rather than at the property line of the land on which the dwelling is located.</i></p>

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<b>SECTION 2: PERMISSIBLE SOUND LEVEL</b>					
2.3 (1) Last sentence	<i>The PSL for the facility is the existing noise level from the facility as of October 17, 1988.</i>	1) It is unlikely that the noise level from October 17, 1988 is known, or if the facility has been modified.  If a complaint is lodged, the facility must meet the PSL.	<b><i>If a noise complaint is filed with the Commission, the licensee, must calculate the PSL of the facility as described in Section 2.1.</i></b>	<b>AltaLink Management Limited</b>  As of what date? The date of the complaint? October 17, 1998?  <b>HFP Acoustical Consultants Corp.</b>  OK. However, HFP suggests section 2.3 (2) needs to be revised. The sentence needs to be revised to end with “Section 2.1 if there are no complaints on file with the AUC at the time of the expansion or modification.” rather than just “Section 2”. The addition of the clause about no complaints allows the deferred facility status to kick in.  <b>ENMAX Corporation</b>  EEC believes that this proposed change will impact Section 2.3(2) and Section 4, bullet number 7. Therefore, these sections should be amended accordingly to be consistent with the proposed change to Section 2.3(1).	In the absence of a noise complaint, the PSL for a deferred facility is the existing noise level. Should a noise complaint be registered, the PSL is calculated as described in Section 2.1 and the facility must comply expeditiously to meet the calculated noise level.

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<b>SECTION 3: NOISE IMPACT ASSESSMENTS</b>					
Section 3	<i>Need to provide basic directions to applicants about the way noise information is provided.</i>	NIAs should be a self-contained/single document to ensure that the information is complete and in accordance with the Rule.	New sentence suggested to read: <i>3.1.1 An applicant must prepare a Noise Impact Assessment <b>that is contained in a single document,</b> that includes the potential noise impacts of the proposed facility under normal operating conditions.</i>	<b>AltaLink Management Limited</b> (a) Is this a modification to 3.1(1) or a new sentence? (b) reconcile "must prepare" in s. 3.1(1) with "may" in s. 3.2, (c) i.e. is an NIA required in all circumstances or not? (d) Is the "Noise Impact Assessment" the form in Appendix 3?	(a) The proposed addition to the sentence will emphasize that all relevant and supporting information for an NIA is to be included in one NIA document to facilitate the review process.  The AUC has considered the comment received and amended the section as follows:  <i>An applicant for a facility must prepare a noise impact assessment that includes the potential noise impacts of the proposed facility operating under normal operating conditions and the complete noise impact assessment is attached, as a distinct document, to the application for the proposed facility.</i>  (b) and (c) A Noise Impact Assessment must be prepared for applications as per Rule 007.  (d) Appendix 3 is a sample summary form of the results of Noise Impact Assessment, and

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					does not replace an NIA which requires the supporting documentation outlined in section 3 of the Rule.
				<b>Trans Canada Energy Ltd.</b> 3.1.4 b  To provide clarity regarding how compliance with the Permissible Sound Level (“PSL”) is determined in complaint situations and to accord with section 2.1 of ERCB Directive 038. Add to this section: “The actual isolated facility noise levels are compared to the PSL for complaint situations.”	This concept is stated in the last sentence of the section 4.1 (9), i.e. The isolated facility contribution can then be compared to the PSL for compliance.

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				<p><b>Capital Power Corporation</b></p> <p>The AUC should also consider an amendment to Section 3.2 that would clarify when a Noise Impact Assessment (NIA) is required. At present, 3.2.1 describes a potential situation where the AUC may deem a NIA necessary therefore implying that a situation may exist where it may not be required. Paragraph 3.2.2 states that an NIA must be completed for a new facility or modification to an existing facility. We are unclear if there is any need for 3.2.1 to be included at all.</p>	<p>Applications for which a NIA is required are described in Rule 007.</p>

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3.2 (3) and (5)	<i>For facilities under the HEE Act, the noise impact assessment does not have to be included with the application if the analysis indicates compliance.</i>	To be consistent with Rule 007 requirements, NIAs must be submitted.	Delete the sentence. <del>For facilities under the HEE Act, the noise impact assessment does not have to be included with the application if the analysis indicates compliance.</del>	<p><b>AltaLink Management Limited</b></p> <p>This deletion does not properly flow out of Rule 007. Section 7.1 (Transmission Line/Substation Applications) of Rule 007 only provides in TS34 that a NIA should be provided in accordance with Rule 012. It does not say that an NIA must be provided in all circumstances. Sections 3.2(3) and (5) of Rule 012 can be left unchanged to provide that an NIA does not have to be included with an Application if it indicates compliance. This does not conflict with Rule 007.</p> <p><b>Capital Power Corporation</b></p> <p>The AUC should also consider an amendment to Section 3.2 that would clarify when a Noise Impact Assessment (NIA) is required. At present, 3.2.1 describes a potential situation where the AUC may deem a NIA necessary therefore implying that a situation may exist where it may not be required. Paragraph 3.2.2 states that an NIA must be completed for a new facility or modification to an existing facility. We are unclear if there is any need for 3.2.1 to be included at all.</p>	The section will be changed as proposed. The requirement for a Noise Impact Assessment is established in Rule 007. The technical aspects of Rule 012 will be addressed in Phase 2 - Technical Review.

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3.2 (5)	<i>Where an applicant is not required to file the noise impact assessment, the applicant must keep a copy of it and make it available to the Commission upon request.</i>	To be consistent with Rule 007 requirements, NIAs must be submitted.	Delete the Sentence. <del>Where an applicant is not required to file the noise impact assessment, the applicant must keep a copy of it and make it available to the Commission upon request</del>	No comment received for the proposed change.	Proposed change will be adopted.
3.7 (2)	<i>For any new wind turbines, an applicant must prepare a noise impact assessment that meets the criteria set out in Sections 2 and 3.4.</i>	The reference to Section 3.4 no longer applies to noise impact assessments.	Delete reference to Section 3.4. The new sentence to read: <i>For any new wind turbines, an applicant must prepare a noise impact assessment that meets the criteria set out in Section . and 3.4.</i>	<p><b>AltaLink Management Limited</b></p> <p>If s. 3.4 no longer applies to Noise Impact Assessments shouldn't it be removed</p> <p><b>HFP ACOUSTICAL CONSULTANTS CORP.</b></p> <p>Not sure why Section 3.4 no longer applies, although the changes in wording do not seem to affect the requirements, given what is in Section 3.7 (4). See HFP suggested changes to Section 3.7 (4) below.</p> <p><b>ACI</b> <u>Section 3.7 (2)</u> The suggested change is missing the number 2 right at the end. It should read "...that meets the criteria set out in Section 2."</p>	The AUC has reviewed comments received and the reference to sections 2 and 3.4 will not be deleted as they remain applicable.

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				<p><b>Shell Canada Limited</b></p> <p>It is not clear why the reference to Section 3.4 is proposed to be deleted. Are new wind turbines no longer subject to the Cumulative Noise Environment requirements of Section 3.4? Are any other new facilities no longer subject to the Cumulative Noise Environment requirements of Section 3.4? Shell requests that the AUC provide further clarification on the reason for this proposed change so its implications can be fully understood.</p> <p><b>ENMAX Corporation</b></p> <p>EEC believes the proposed change should read: <i>For any new wind turbines, an applicant must prepare a noise impact assessment that meets the criteria set out in Section 2.</i></p>	
3.7 (3)	<i>Wind turbine noise must be modelled using wind speeds of 6 to 9 m per second (m/s).</i>	Wind speed is reported in metres per second all other wind speeds in Km/hr. Suggest to report in both units Km/hr and m/s for clarity.	<i>Wind turbine noise must be modelled using wind speeds of 6 to 9 metres per second (m/s) (21 to 32 km/hr).</i>	No comment received for this proposed change.	The section will be revised as proposed.

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3.8 (2)	<i>Identify major sources of noise such as transformers, Heat Recovery Steam Generators (HRSG), exhaust noise, and pump noise, ....</i>	Applicants are not identifying ALL major noise sources. The acronym HRSG is not used elsewhere in the text. The word <i>noise</i> is repeated.  Sound powers in NIAs have been submitted as a single dBA levels. Information Requests are sent out to obtain the required octave band information.	<i>Identify <b>all</b> major sources of noise such as transformers, Heat Recovery Steam Generators (<del>HRSG</del>), exhaust, <del>noise</del> and pump noise, ventilation openings etc, and their associated sound power/pressure levels <b>in octave bands</b>.</i>	<b>AltaLink Management Limited</b>  Can "major" be defined	This section will be revised as proposed. A definition of "major sources of noise" will be discussed at the Phase 2 - Technical Review.

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				<p><b>HFP Acoustical Consultants Corp.</b></p> <p>OK with this change, although it is not clear why the AUC requires the octave band PWL data. HFP does not believe the AUC will be recalculating the predictions presented by the applicant, therefore the purpose of requesting this level of detail is not clear.</p> <p><b>ACI Acoustical Consultants Inc.</b>  <u>Section 3.8 (2)</u>            The proposed change is to specify that the sound power/pressure levels be provided in Octave Bands. While this is indeed the ideal case and should be the goal, there are situations where this information simply is not available and only a broadband dBA value is available.            For example: if the equipment to be installed is of a new design, and the sound level data provided by the supplier only has a dBA sound power/pressure level, then there is likely no reasonable means for the person preparing the impact assessment to obtain the octave bands since there are likely no nearby installed units that could be measured.            As such, it is recommended that the wording be changed to reflect this fact.</p>	<p>This section will be revised as proposed. Octave band data are used in most recognized noise prediction methodologies and provides supporting information on the character of the noise source for the public record. Where available and specifically used in noise prediction models for an NIA, octave band data will be required. Otherwise, explanation must be provided to explain why octave band data are not available.</p>

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3.8(9)	<i>Acoustical Practitioner's Information</i> <i>Provide the name and contact information for the person conducting the noise impact assessment.</i>	AUC Rule 001 that requires submission of technical qualifications for those submitting technical reports.	<i>Provide the name or names and describe the roles, directly related training, and experience of the person or person who prepared the noise impact assessment, as well as their professional affiliations.</i>	<p><b>ERCB</b> Revise wording to be consistent with Directive 038.</p> <p><b>HFP Acoustical Consultants Corp.</b> Does not agree this change is required, although we would be happy to provide that information if the AUC so decides, as HFP believes it is well qualified and professionally affiliated. Rule 001 seems to be aimed at hearings or proceedings beyond the initial application, so it is not clear to HFP. Whether Rule 001 would apply to the initial application. also does not believe it is the AUC's job to pass judgement upon an acoustical practitioner's qualifications – if an applicant is satisfied with its acoustical practitioner's qualifications, the AUC should also be satisfied</p> <p><b>Golder Associates Ltd.</b> Section 3.8(9), practitioner's information needs to be consistent with AUC Rule 001 as stated in the proposed changes, in addition to ERCB Directive 038. We suggest the following wording until the technical review can discuss appropriate qualifications: "Provide the name or names, title, technical role and contact information for the person or persons who prepared the noise impact assessment."</p>	The acoustical practitioner's qualification is required in accordance with AUC Rule 001. Proposed change will be adopted.

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				<b>ENMAX Energy Corporation</b> This proposed change is inconsistent and goes well beyond what is required in AUC Rule 001. Section 14 of this Rule states: A document containing a technical report or material of a technical nature must indicate the technical qualifications of the person signing or taking responsibility of the report or material. Technical reports are typically signed by the person/s who take responsibility for the report and their technical qualifications indicated. The proposed change would be administratively-burdensome and is unnecessary in the opinion of EEC.	
<b>Section 4: Noise Complaint Investigations</b>					
4.1 (1)	Add concluding sentence.	This section requires cooperation of complainant and licensee and does not provide for situations where complainant may be reluctant to work directly with licensee.	<i>The licensee must submit to the Commission an explanation of the attempts the licensee made to communicate with the complainant regarding the complaint.</i>	<b>Imperial Oil Resources</b> 4.1 (1) The AUC should consider adding to this proposed new sentence to specify that the licensee must submit an explanation of attempts to communicate to the Commission in situations where the complainant is reluctant to work directly with the licensee. Without this addition to the sentence, the requirement implies that an explanation of the attempts made to communicate with the	A sentence is added to reflect documentation attempts made by a licensee to communicate with a complainant is required only when a complainant is reluctant to communicate directly with a licensee.  The AUC has reviewed the comment received and section 4.1

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				<p>complainant must be submitted to the AUC in all situations, even when the complainant was willing to work with the licensee and the complaint was resolved locally.</p> <p>Suggested sentence:</p> <p>"In situations where the complainant is reluctant to work directly with the licensee in respect of a complaint, the licensee must submit to the Commission an explanation of the attempts the licensee made to communicate with the complainant regarding the complaint."</p>	<p>(1) has been revised as follows:</p> <p><i>If the complainant does not participate in the completion of the Noise Complaint Investigation Form, the licensee must submit documentation of its attempts to directly engage the complainant in the completion of the form.</i></p>
4.1 (3)	<p><i>The event log can then be used by the licensee to further pinpoint the source of the noise or the representative conditions needed to conduct a CSL survey.</i></p>	<p>This is guidance and not a requirements – suggest it be deleted.</p>	<p>Delete this sentence. <del><i>The event log can then be used by the licensee to further pinpoint the source of the noise or the representative conditions needed to conduct a CSL survey.</i></del></p>	<p><b>AltaLink Management Limited</b></p> <p>s. 4.2(2) also requires cooperation from the complainant. S. 4.3 requires a Comprehensive Noise Survey - which can be impossible to do if the complainant will not cooperate or provide access. Section 4 should provide that if the complainant will not cooperate with an investigation the complaint should be dismissed.</p> <p><b>HFP Acoustical Consultants Corp.</b></p> <p>agrees the Part 2 event log is not a requirement. I suggest it would be better to revise the last sentence in the first paragraph under 4.1 (3) to say “<b>The residents can enter details about...</b>” rather than “... must ...” . If this sentence is revised as I suggest, there would not be a need to delete the sentence as suggested above, but it would need to</p>	<p>The Noise Investigation Form is for resident(s) to document concerns about the noise and for licensee to investigate noise complaint. Licensee must investigate the noise complaint regardless the existence of the event log.</p> <p>The AUC has considered the comment received and amended the section 4.1 (3) as follows:</p> <p><i>Residents complaining about noise, are encouraged to record details about environmental and facility operating conditions under</i></p>

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				<p>be revised to say “<b>The completed event log (if it exists) could then be used by the licensee ...</b>”.</p> <p><b>Shell Canada Limited</b></p> <p>Regarding the proposed deletion of the last sentence of Section 4.1 (3), Shell suggests that this sentence be retained. There are other examples of nonmandatory guidance within Rule 012 that are not proposed to be deleted, and it is</p> <p>Shell’s position that this particular guidance is helpful as it confirms that the licensee has the option and may choose to use the information recorded in the event log from the Noise Complaint Investigation form.</p>	<p><i>which noise adversely affects them.</i></p>
<b>Appendix 3 Noise Impact Assessment Form</b>			Add a word “Summary” in the form title, i.e. Noise Impact Assessment <b>Summary</b> Form	No comment received.	Proposed change will be adopted.

## Other Comments on the Proposed Administrative Changes for AUC Rule 012 – Noise Control

Stakeholder	Section	Other Stakeholder Comments	AUC’s Response
<b>Allan Kettles/Garrad Hassan</b>		Need clarification from AUC: <ol style="list-style-type: none"> <li>1. It is difficult to determine what qualifies as “heavily traveled roads” and the data required to do so may not be publically available; and,</li> <li>2. Guidelines should be provided about the use of absorption coefficients. Use of one (1) as an absorption coefficient is a ‘bit optimistic’, Ontario guidance in this regard is helpful and unambiguous.</li> </ol>	Issues will be discussed and clarified in the Phase 2- Technical Review.
<b>Capital Power Corporation</b>	<b>Section 1.4, paragraph 3</b>	<p>We request that the AUC also include an administrative change to Section 1.4 of AUC Rule 012, which provides guidance on requirements for an existing facility, to make the Rule consistent with the requirements of Section 1.4.2 of ERCB Directive 38.</p> <p>ERCB Directive 38 clearly states the requirements in cases where a landowner, resident, or developer builds near an existing facility. In contrast, the omission of the sentence in AUC Rule 12 creates an inconsistency that could be misinterpreted as a different requirement for AUC approved existing facilities compared to ERCB approved existing facilities. We believe that intent of both AUC Rule 12 and ERCB Directive 38 was meant to be the same.</p>	Development of dwelling near existing facilities is an issue that the Commission will consider in the Phase 2 - Technical Review.
<b>Suncor Energy Services Limited</b>	<b>Section 1.4 Paragraph 3</b>	<p>Suncor seeks clarification on section 1.4 of Rule 12, paragraph 3.</p> <p><i>“Where a dwelling is built near an existing facility, a licensee must comply expeditiously with the requirements of this Rule once it is aware that new receptors will result in the facility exceeding the permissible sound levels (PSL) as stipulated in Section 1.3.”</i></p> <p>Specifically;</p> <ul style="list-style-type: none"> <li>• How does the Rule address existing wind power facilities</li> </ul>	Issues will be discussed and clarified in the Phase 2- Technical Review.

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		<p>currently in operation if future receptors decide to build within areas that exceed the PSL?</p> <ul style="list-style-type: none"> <li>• During the planning stages of a project, how does the project proponent plan or design a project for future receptors? Currently, no guidance or specifications have been provided.</li> <li>• How shall proponents design projects (for noise) while the technical update of Rule 012 is being completed?</li> </ul> <p>Suncor strongly recommends that any future receptors willing to build within areas exceeding the PSL do so at their own discretion. The licensee is not obligated to change its operating procedure for any new receptors in order to meet the PSL.</p>	
<b>Golder Associates Ltd.</b>	<b>Sections 1.4 &amp; 2</b>	<p>Section 1.4/Section 2, the March 24, 2009 version of Rule 012 removed the clause that allowed for a PSL adjustment at new receptors built close to an existing facility. The resulting interpretation is that under Rule 012, a dwelling built close to a regulated, operating facility will have the standard PSL per the Section 2.0 calculation, which in turn may result in the existing facility being required to mitigate noise levels due to the new dwelling. The current ERCB Directive 038 interpretation is that the PSL at a new dwelling built near an existing facility will be the noise level at the time the receptor was built, which would not require mitigation by the existing facility unless that facility plans to replace equipment or expand the operation. A consistent interpretation of the encroachment of a dwelling on existing facilities should be restored until the Phase 2 technical review of Rule 012 is completed.</p>	<p>Issues will be discussed and clarified in the Phase 2 - Technical Review.</p>
<b>TransCanada Energy Ltd.</b>	<b>Section 1.4</b>	<p>TransCanada is also seeking clarification from the Commission on whether the issue of encroachment falls within the scope of the review of Rule 012. Currently, section 1.4.2 of ERCB Directive 038 provides that if a dwelling is built near an existing facility, the PSL will be the existing noise level at the new dwelling coming from the facility. Section 1.4 of Rule 012 does not contain this provision. TransCanada requests that the Commission include a review of encroachment to clarify the application of Rule 012 where a dwelling is built within 1.5 km of an existing facility.</p>	<p>Issues will be discussed and clarified in the Phase 2 - Technical Review.</p>

Stakeholder	Section	Other Stakeholder Comments	AUC's Response
Shell Canada Limited	Section 1.4	<p>Shell suggests that the AUC modify the wording of the third paragraph of Section 1.4 of Rule 012 to achieve consistency with the intent of ERCB Directive 38 (Section 1.4.2). The following wording is suggested for the third paragraph of Section 1.4 in Rule 012:</p> <p><i>Where a dwelling is built near an existing facility, the PSL will be the existing noise level at the new dwelling coming from the facility. The Commission expects a licensee to be prepared to comply expeditiously with the requirements of this Rule once aware that changes in the facility result in the facility exceeding the PSL.</i></p>	Issues will be discussed and clarified in the Phase 2-Technical Review.
ERCB	Section 1.4/Section 2	Revise wording to be consistent with Directive 038 for Encroachment and Pre-1988 Facilities.	Issues will be discussed and clarified in the Phase 2-Technical Review.
TransCanada Energy Ltd.	Section 2.1(5)(b)	To provide clarity on the A2 Adjustment application requirements.	Issues will be discussed and clarified in the Phase 2-Technical Review.
Golder Associates Ltd.	Section 2.1.5b	Section 2.1.5b of Rule 012 indicates that a formal approval from the Commission is required to apply the A2 adjustment to the PSLs but not how and when to apply it. Current wording in Directive 038 indicates that approval from ERCB is required to verify use of the A2 adjustment is an appropriate approach (i.e. during the assessment process) prior to the application. The AUC should issue details on the specific application process or the wording in Rule 012 changed to reflect the need for discussion and permission from the Commission prior to using the A2 adjustment.	Issues will be discussed and clarified in the Phase 2-Technical Review.
ATCO Noise Management	Section 3.1	<p>To ensure due diligence is completed on proposed new projects, a revision to these two sections is warranted.</p> <p><b>3.1 Preparation of a noise Impact Assessment</b></p> <p><i>5. An applicant planning a facility in an area where there is an energy-related facility present, must ensure that its facility will not cause the overall sound levels to exceed the PSL. If the existing noise levels are acceptable to residents even though the noise levels may be higher than the PSL (only for deferred facilities), the applicant must ensure that its facility will not cause an increase in overall sound levels.</i></p>	Issues will be discussed and clarified in the Phase 2-Technical Review.

Stakeholder	Section	Other Stakeholder Comments	AUC's Response
ATCO Noise Management	Section 3.4	<p><b>3.4 Cumulative Noise Environment</b></p> <p><i>1. The cumulative noise level of the ASL including existing energy-related facilities and the predicted noise from proposed facilities when combined must not exceed the PSL.</i></p>	Issues could be discussed in the Phase 2- Technical Review.
ERCB	Section 3.4	Replace wording removed from Section 3.4 of Directive 038.	The AUC is of the view that no change is needed. However, this matter could be discussed further in the Phase 2 - Technical Review.
Golder Associates Ltd.	Section 3.5	Section 3.5 of Rule 012 does not contain test that reflects the content of Section 3.5.1 (13) regarding field calibration of models and quantification of operating conditions. These are valid requirements for expansion of projects as well as complaint investigations. Therefore should be restored to Section 3.5 of Rule 012.	Rule 012, Section 3.5 (2) requires that models used in the noise predictions meet the accepted protocols and international standards (e.g. CONCAWE or ISO 9613). As such they meet the requirements of the AUC Rule 012. Any field calibration is at the discretion of the acoustical practitioner unless the Commission orders otherwise. The AUC is of the view that no change is needed.
ERCB	Section 3.5	Revise / Replace wording to be consistent with Directive 038.	<p>The AUC has considered the comment received and reviewed the requirements of D38 s 3.5. The following change is made in section 3.5:</p> <p><i>Consideration must be given to</i></p> <p>This change emphasizes that the listed parameters must be considered and a decision made whether to include source identification and other aspects during the modelling.</p>
Golder Associates Ltd.	Section 3.5.1	3.5.1 indicates the model may include “a number of parameters, implying sound powers are optional. The ERCB phrase at the start of this list is “Note consideration should be given to” implying it is a list of items that are not optional, reinforcing that they do have importance for the assessment. We suggest AUC return to the ERCB wording or an equivalent phrase.	See response to ERCB section 3.5 immediately above.
ATCO Noise Management	Section 4.2	<p><b>Low Frequency Noise</b></p> <p>ATCO has noted on some recent transformer projects (not necessarily</p>	Low frequency noise will be discussed in the Phase 2 - Technical Review.

Stakeholder	Section	Other Stakeholder Comments	AUC's Response
		<p>within AUC jurisdiction) that a significant 125 Hz tone can exist at a residential receptor which causes annoyance, but the dBC-dBA level is found to be below 20dB and therefore a 5dB downward CSL correction is not warranted. A 125 Hz tone can be as annoying as a 63 Hz tone, but due to the difference in A-weighting correction, from 26.2dB at 63 Hz to 16.1dB at 125 Hz, the dBC-dBA falls below 20dB. ATCO believes further research is warranted into transformer noise annoyance, with a view to modifying the LFN verbiage in Section 4.2.</p>	
<p><b>ATCO Electric</b></p>	<p><b>Section 4.2 (2)</b></p>	<p><b>Low Frequency Noise in CSL Survey</b>            “If this value exceeds the PSL, the licensees will be required to identify the potential <b>sourced</b> outline an action plan to address the issue in a timely way.”  <b>Question:</b>            Should this read “If this value exceeds the PSL, the licensees will be required to identify the potential <b>source and</b> outline an action plan to address the issue in a timely way?”</p>	<p>The AUC has considered the comment received and amended the section 4.2 (2) as follows:  <i>If this value exceeds the PSL, the licensee will be required to identify the potential source and outline an action plan to address the issue in a timely way.</i></p>
<p><b>ATCO Electric</b></p>	<p><b>Section 4.3</b></p>	<p><b>Determination of Tonal Component</b>            “Where a clear tone is present below 250 Hz.... (See Appendix 5).”  <b>Question</b>            Should this section be referring to Appendix 6?</p>	<p>The reference to Appendix 5 is correct as stated in the rule.</p>
<p><b>ATCO Noise Management</b></p>	<p><b>Section 4.4</b></p>	<p><b>Wind Turbines</b>            It is recognized that the maximum sound power produced by a wind turbine may occur when the wind speed at 1.5 to 10m above ground level is higher than the maximum wind speed recommended for sound level measurement in accordance with industry standards such as ANSI.            For this reason it is recommended that background ambient measurements also be recorded as part of the investigation process, to isolate wind-induced noise over the microphone and discount it as a variable.</p>	<p>Wind turbine noise compliance monitoring and comprehensive noise assessment will be discussed during the Phase 2 – Technical Review.</p>