

Overview of potential changes to Rule 012: Noise Control

1. The following sections aim to provide an overview of potential changes to Rule 012: *Noise Control*, on which the Commission invites comments and suggestions.

Section 1: Clarification of requirements

Topic 1.1: Noise receptor

2. To avoid having to provide a long description each time Rule 012 refers to the location(s) where compliance must be assessed in a noise impact assessment (NIA) or noise survey, the Commission proposes to define the term “noise receptor” in the glossary and then use this term throughout Rule 012.

3. The rule sets permissible sound levels for occupied dwellings. This approach may be challenging for traditional land users when there is no cabin or other permanent dwelling. The Commission proposes to add one line to the definition of “noise receptor” acknowledging that the Commission may consider other types of receptors, for example, sites of seasonal occupation or sites having ceremonial or cultural importance, on a case-by-case basis. In these circumstances, the party who requests consideration of a non-dwelling receptor must provide justification or explanation for why noise at this location should be considered.

Topic 1.2: Overview of noise impact assessment terminology

4. In the following topic (Topic 1.3), the Commission introduces a new tool to determine if an NIA is required, which is designated as a “noise impact assessment flowchart” or “NIA flowchart.”

5. The Commission proposes to add a graphic to illustrate the applicability of different assessment methods from Section 3, Noise impact assessments (i.e., NIA flowchart, NIA summary form and NIA). The Commission believes this graphic will give a quick reference to overview of NIA terminology in Section 3 of Rule 012.

Topic 1.3: New noise impact assessment flowchart

6. The Commission often receives inquiries from stakeholders about if and how an NIA should be completed in cases where a facility is exempt from the requirement to file an application or the proponent is filing a checklist application under Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations, Hydro Developments and Gas Utility Pipelines*. The Commission emphasizes that in these cases, a facility must comply with Rule 012 permissible sound levels. However, the Commission acknowledges that the types of facilities that are exempt from filing a Rule 007 application, or are only required to file a checklist application, often generate relatively little noise compared to the types of facilities that are required to file a detailed Rule 007 application. To increase efficiency and help reduce regulatory burden, the Commission proposes creation of a flowchart

in new subsection 3.1(1) of Rule 012 that will allow proponents to avoid preparation of an NIA in cases where the noise impact from a facility is expected to be minimal.

7. For an exempt facility or for a checklist application, the flowchart will provide objective criteria for determining if noise impacts are expected to be minimal. If these criteria are satisfied, then further assessment is not required. If these criteria are not satisfied, then the proponent must complete an NIA.

8. The changes proposed under this topic are focused on the requirements for preparation of an NIA. The next section (Topic 1.4) addresses the requirements for submission and retention of an NIA (including the NIA flowchart).

Topic 1.4: Submission and retention of noise impact assessment records

9. The Commission notes there are currently several paragraphs in Rule 012 that address retention of NIAs, noise surveys and associated information. The proposed changes aim to combine these paragraphs into one section in Section 3, Noise impact assessments.

10. Typically, an NIA report is filed with the Commission as part of a facility application. In this case, the Commission keeps the NIA on file indefinitely and the facility's licensee must keep records of all supporting information relating to the NIA until the facility is decommissioned and salvaged.

11. When a facility is exempt from the requirement to file a Rule 007 application or is eligible to file a checklist application under Rule 007, the facility must still comply with Rule 012 permissible sound levels, and the facility owner must complete an NIA flowchart or prepare an NIA before the facility commences operation. However, if the NIA flowchart concludes an NIA is not required or if an NIA is required but the NIA predicts compliance with Rule 012, then the facility owner is not required to submit the NIA flowchart or NIA to the Commission. If the NIA proposes mitigation measures to reduce noise and satisfy Rule 012 criteria, or the NIA makes use of Class A or Class C adjustments for any receptors, then a Rule 007 application including an NIA is required. In either case, the facility owner should keep records of all supporting information relating to the NIA flowchart or the NIA until the facility is decommissioned and salvaged.

12. In the event a noise complaint is filed after the facility commences operation, the Commission may conduct an investigation to address the complaint. As part of this investigation, the Commission may ask the owner to provide a copy of the NIA flowchart or the NIA (completed before the start of operation) predicting the facility would comply with Rule 012.

13. The new version of Rule 012 will make it clear that a facility owner or licensee must complete an NIA flowchart or the NIA, as applicable, and keep a copy on file even in cases where the facility is exempt from the requirement to file an application or the proponent is filing a checklist application under Rule 007. A copy of the NIA flowchart or the NIA must be provided to the Commission, on request, as part of a compliance or complaint investigation process.

Topic 1.5: Noise impact assessment summary form

14. The changes proposed under this topic are intended to provide criteria for determining if an NIA summary form may be prepared or submitted to satisfy the requirements of Rule 012.

15. The current version of the NIA summary form (Appendix 3 of Rule 012) includes the following criterion “Is the predicted cumulative sound level less than the permissible sound level by a margin of three dBA? If No, conduct a detailed NIA as per Section 3 of AUC Rule 012.” The three-dBA criterion is critical when determining whether use of the summary form is permitted for a particular application, but this criterion does not appear in the main body of Rule 012. The Commission proposes to present the three-dBA criterion in the main body of the rule to provide further clarity on when the summary form may be used.

16. Current subsection 3.1(5) lists facilities that may qualify to use an NIA summary form; however, it does not make clear that these facilities must also meet the three-dBA (A-weighted decibels) criterion described above in order to qualify for use of the summary form. Based on subsection 3.1(5), readers may get the incorrect impression that, for example, any substation less than 240/260 kilovolts or any solar power plant qualifies to use the summary form. This is not the case. The Commission proposes to delete the list of facilities because it does not help applicants determine if their facility qualifies to use the summary form.

17. Noise impacts are dependent on a facility’s size and on the distance between the facility and receptors. Instead of listing specific types of facilities that may qualify to use the NIA summary form, the Commission proposes to use the predicted cumulative sound level at noise receptors to determine whether or not a particular facility qualifies to use the summary form. The Commission clarifies that if an applicant can demonstrate the noise contribution from its proposed facility will be minimal at nearby receptors, it should be allowed to use the NIA summary form (regardless of the specific nature of the facility). Therefore, the Commission believes any facility that qualifies to use the “no net increase” approach should also qualify to use the summary form since the noise contribution from such a facility can be considered minimal.

18. In summary, the Commission proposes to update Rule 012 such that any facility that meets the three-dBA criterion or results in “no net increase” at receptors can make use of the NIA summary form. Both the three-dBA criterion and the “no net increase” approach can be applied quantitatively and would ensure that the proposed facility will generate little noise at receptors.

Topic 1.6: Ambient sound level

19. Use of assumed or measured ambient sound level (ASL) values was an issue considered in Proceeding 24401 (Sharp Hills Wind Farm Amendment) and Proceeding 22736 (Lanfine Wind Power Project). In the decisions for these proceedings^{1,2} the Commission found that use of

¹ Decision 24401-D01-2019: EDP Renewables SH Project GP Ltd. – Sharp Hills Wind Project Amendments, Proceeding 24401, Applications 24401-A001 and 24401-A002, December 20, 2019.

² Decision 22736-D01-2020: Pattern Development Lanfine Wind ULC – Lanfine Wind Power Project, Proceeding 22736, Applications 22736-A001 to 22736-A005, January 27, 2020.

assumed ASLs is appropriate for rural Alberta and applicants are not required to measure ASLs unless a receptor is located in a pristine area or in a noisy area where there is non-energy industrial activity.

20. Consequently, the Commission updated Rule 012 in 2021 to clarify that ASLs should only be measured in areas considered pristine or areas that have non-energy industrial activity that would impact ASLs.³

21. The goals of the currently proposed changes on this topic are:

- To clarify that assumed ASLs should be used in most cases, and ASLs are only required to be measured in pristine areas or areas with non-energy industrial activity.
- To clarify the circumstances in which the Commission would consider measured ASLs and associated A2 adjustments.

Topic 1.7: Comprehensive sound level survey

22. Rule 012 states that when a noise complaint is filed with the Commission, the Commission may require the licensee to conduct a comprehensive sound level (CSL) survey to determine compliance. In situations where multiple residents submit a noise complaint about the same facility, Rule 012 does not state explicitly which dwelling(s) should be selected for the CSL survey.

23. The Commission proposes to add a provision specifying the appropriate location(s) for a CSL survey for the purpose of determining compliance and/or addressing a noise complaint.

Topic 1.8: Conditions for a time extension request

24. The current Section 1.5 of Rule 012 states that a new NIA is required if there are major amendments proposed to an approved facility. This requirement applies generally (i.e., any facility proposing major amendments will require a new NIA) and is not specific to time extension requests. The Commission proposes that Section 1.5 be streamlined to address exclusively time extensions and avoid discussion of major amendments.

25. The new Section 1.5 of Rule 012 will be consistent with Rule 007 and will explicitly specify information the applicant must confirm (e.g., no new dwellings, no new third-party facilities) if a new NIA is not included as part of the submission for a time extension application. Many recent time extension applications have omitted this type of information, which has resulted in information requests from the Commission. The large number of information requests suggests applicants may require additional guidance on this issue.

³ Rule 012, *Noise Control*, PDF pages 8 and 15.

Topic 1.9: Noise complaint investigation

26. The current subsection 5.2(3) states that “If monitoring is conducted due to a noise complaint, completed noise complaint investigation forms (see Appendix 4) identifying the representative conditions for monitoring must be completed and submitted to the Commission.”⁴ The Commission proposes to clarify that noise complaint investigation forms should be completed and submitted whenever there is a noise complaint, regardless of whether noise monitoring is ultimately required to address the complaint.

Topic 1.10: Statistical method

27. The Commission notes that applicants rarely use the statistical method for confirming representative sound levels in a CSL survey. As a result, the Commission proposes to eliminate the statistical method in the interest of simplifying Rule 012. As long as the average noise levels from multiple measurement periods are consistent (i.e., within plus or minus three dBA), then a combination of data from these periods should be allowed.

Section 2: Edits

Topic 2.1: Deletion

28. The Commission proposes to delete some paragraphs with redundant information to increase efficiency, avoid repetition and maintain consistency throughout the rule.

Topic 2.2: Rephrasing

29. The Commission proposes to rephrase some paragraphs to provide clarity and maintain consistency with other regulations or rules.

Topic 2.3: Format

30. The rule will be reformatted to be more user-friendly. This will be done after the changes in the above topics have been finalized.

⁴ Rule 012, *Noise Control*, PDF page 37.