

AUC Bulletin 2022-12 - Further consultation

Please see the below response from Green Cat Renewables Canada Corporation regarding the AUC Bulletin 2022-12.

1. Do you believe changes are required to Rule 012 to specifically address PSLs for urban environments in light of Decision 27276-D02-2022 or otherwise? Please explain.

The specific issues identified in Proceeding 27276; including:

- Both the power plant and the receptors were located within an urban area;
- The power plant was constructed adjacent to several walls at varying angles, which reflected and amplified the power plant noise output towards the nearest dwellings;
- This arrangement may also be causing the ambient noise to be lower at the affected dwellings than what was predicted;
- The closest dwellings are 50-60m away from a power plant that generates fan/whirring noise (likely tonal noise);
- The noise prediction was only a small amount below the already high ambient sound level.

Given the unique factors and concerns raised in Proceeding 27276, GCR does not consider specific amendments to Rule 012 necessary to address the project-specific issues.

GCR notes that Rule 012 currently requires a developer to justify the ambient sound level utilized in the noise impact assessment. In the case of Proceeding 27276, the conclusion seems to be that the justification for the use of both traffic and dwelling density ambient sound modifiers was not reasonable. However, it is important to note that there are scenarios where the use of both of these modifiers is viable, and there are residences that can regularly experience 50dBA+ sound levels without nuisance.

If the AUC determines further evaluation of the permissible sound level in urban areas is required, GCR suggests that the AUC consider clarifying urban environments as specific areas within the rule, and requiring more evidence for the ambient sound level justification. The AUC could then consider each project on a case-by-case basis.

2. If you believe changes are required to Rule 012 to specifically address PSLs for urban environments:

The PSL determination in Rule 012 is sensible, but further clarification could be implemented to define urban areas as specific areas that require further justification on the ambient sound level used in the noise impact assessment.

3. Do you believe that changes are required to update the sections of Rule 012 that address PSLs for new dwellings (i.e., sections 2.3, 2.4 and 2.5 and the definition of new dwelling in Appendix 1 – Glossary) in light of Decision 27444-D01-2022 or otherwise? Please explain.

A requirement for post-construction noise monitoring at all residences built after construction to identify sound levels at the time of residence construction is not feasible, nor is it reasonable to require an operator ensure these models and measurements are kept up to date. As such, for all new residences constructed after a power plant is operational, some form of modeling and assumptions will be required to determine the sound level and project contribution at that residence in the year it was constructed.

Projects constructed after 1999 would be expected to have conducted some form of noise modelling for the equipment used in the Project, allowing a comparable assessment to be undertaken. As such, it is reasonable to assume that the existing process for new dwellings is applicable to these situations. However, this may not be the case for power plants constructed prior to 1999 (Legacy Projects), including the project considered in Proceeding 27444.

For situations involving legacy projects, the details are certain to be incredibly project-specific; and therefore, there is no one solution, process or standard that would be applicable to all cases. As such, these specific situations would need to be considered and addressed on a case-by-case basis, within the context of the project-specific details.

While GCR does acknowledge the issue coming from the compliance monitoring of these legacy-projects, GCR does not consider there to be a specific addition or change required to Rule 012 that could address or accommodate the issue.

4. If you believe changes are required to update the sections of Rule 012 that address PSLs for new dwellings:

N/A