

From: [Dan Clayton](#)
To: [Joan Yu](#)
Subject: Rule 012 Proposed Changes - Initial Concerns
Date: Wednesday, April 26, 2023 11:06:55 AM
Attachments: [image514567.png](#)
[image742295.png](#)

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Hi Joan,

We have significant concerns and noticed some logical flaws and contradictions in the proposed changes to the rule. It needs revising and correcting. One flaw is the sweeping assumption that ASLs are representative without doing measurements, especially for urban environments.

This updated version seems to be responding primarily to industry pressure to increase PSLs in urban areas by applying more categories of population density to calculate the BSL which are in turn based on vague and broad Health Canada statistics.

It seems that the logical approach for more sensible ambient monitoring has been ignored, which is the best way to address the large spread in sound levels across similar population density communities even within one city. No consideration has been made for lower ASLs or protection for residents who live in areas where sound levels are lower than the prescribed BSLs. This is concerning and not addressing the issues that occur in an urban environment. There is a lacking in the rule for background sound levels in areas less than 35 dBA, this should be addressed. Sure, there is an option to reduce the PSL through correction down but this isn't done in practice due to precedents set and no monitoring requirement to adjust this.

An example that is concerning is "The A2 adjustment, as currently described in Rule 012, may not be appropriate for suburban or urban environments, where the ASL is dominated by traffic and other non-industrial human activities, rather than non-energy industrial activity." This is completely incorrect, an A2 adjustment is a necessary tool in urban environments. The statement "where the ASL is dominated by traffic" is then contradicted by "*The Commission is not persuaded of the need to change the way that PSLs are adjusted based on proximity to transportation infrastructure. Circumstances where proximity to transportation infrastructure are not adequately captured by Table 1 of Rule 012 can be addressed through ASL measurements and A2 adjustments*".

We also need to be careful about how to apply the tonality assessment.

Before we provide similar comments we gave in the first round to rectify the shortcomings and errors in the rule, we want to see if they will be considered or taken seriously.

We don't see responses on behalf of residents, it is mainly from industry, which gives a bias towards relaxing regulations rather than protecting residents, which should be the focus of the rule methodology.

Also, be careful adopting Ontario regulations and the flaws in those.

We have only had an initial look and likely have more comments.

I look forward to your reply.

Thanks,

Dan

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