

Updated Environmental Noise Guideline (NPC-300) Finalized by MOE Noise Assessment Criteria for Stationary Sources and for Land Use Planning

An updated Environmental Noise Guideline (NPC-300) entitled, “Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning” was finalized and posted to the Environmental Registry by the Ministry of Environment (MOE) on October 21, 2013.

The updated guideline replaces the following four noise-related guidelines:

- *LU-131: Noise Assessment Criteria in Land Use Planning.*" October 1997;
- *"Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation."* October 1997;
- *NPC-205: Sound Level Limits for Stationary Sources in Class 1 and 2 Areas (Urban).*" October 1995; and
- *NPC-232: Sound Level Limits for Stationary Sources in Class 3 Areas (Rural).*" October 1995

The guidelines provide sound level limits that may be applied under the provisions of the *Aggregate Resources Act* but it does not apply to blasting operations, which are outlined separately in publication NPC-119. The updated noise guidelines apply to all approvals received after August 2013.

Background:

The proposed noise guideline was first posted to the Environmental Registry on November 16, 2010 for review and an updated draft was posted in April, 2011. On both occasions Ontario Stone, Sand & Gravel Association’s (OSSGA) Environment Committee drafted a comment letter outlining industry concerns and recommendations, and on two occasions OSSGA staff and members of OSSGA’s Environment Committee met with MOE staff to reinforce the industry position. Despite these efforts, the Noise guidelines were finalized without incorporating many of the recommendations. The updated guidelines have some potentially significant implications for aggregate producers and are highlighted below:

Definition of Point of Reception

The new guideline requires that assessment take place at the highest point of reception with a minimum height above ground at 1.5 m for a single storey window, 4.5 m for a second storey window or 7.5 for a third storey window, day or night.

Previously, the industry standard has been to assess a two storey building at 1.5 m in day time. This will no longer be the case according to these guidelines. This could result in the need for additional noise mitigation such as increased noise barrier or berm heights.

DATE: November 19, 2013

NEW GUIDELINE: Environmental Noise Guideline (NPC-300)

Vacant Lot Assessment

Vacant lots with any zoning designation that allows a sound sensitive use needs to be assessed at the 4.5 m height above ground. The guideline provides some clarity on where to locate the point of reception for areas of a vacant lot that are less than one hectare vs. greater than one hectare.

Given that many agriculturally zoned lands may allow noise sensitive receptors, additional noise mitigation may be required and this could lead to a smaller extractable area.

Noise Sensitive Land use

A land use that would normally be considered noise sensitive, such as a dwelling, but is located within the property boundaries of the stationary source is not considered a noise sensitive land use.

The implication is that dwellings owned by an aggregate company and within the property boundary of a pit or quarry can be maintained and used as living space for people without having to acoustically assess that location as a noise sensitive land use. The property boundary is likely referring to the licenced boundary for aggregate operations.

Implementation

The updated noise guideline will be implemented on approvals issued after the publication date (August 2013). Applications for approvals submitted prior to the publication date of the guideline may be assessed under the guideline at the request of the applicant.

The implication is that if changes are made to a site that affect its Environmental Compliance Approval, it will likely require that the whole site now meet the NPC-300 guidelines, which may result in extensive changes to other parts of the operation. It is anticipated that the MOE will grandfather sites that make no changes to their operations although further discussion may be required to confirm this.

The OSSGA will provide an update in the event of further developments.

Further Information:

Policy Decision Notice: Environmental Noise Guideline – Noise Assessment Criteria for Stationary Sources and for Land Use Planning (Publication NPC-300), EBR Registry Number: 011-0597

<http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTEwNDAw&statusId=MTgwODA2&language=en>

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