

EA Report – Study Team Response to MOE (Noise) Supplementary Comments of March 2009

	MOE (Noise) Comments – February 2009	Study Team Response – March 2009	MOE (Noise) Comments – March 2009	Study Team Response – June 2009
38	<p>The conclusion of the vibration assessment is that since the vibration is not expected to exceed the 50 mm/s level, no structural damage is anticipated and no mitigation is proposed. The above conclusion about the potential of structural damage appears only marginally relevant to the scope of the vibration study. Structural damage may in some cases be an issue for concern for specific construction activities such as construction blasting. However, structural damage is not a concern for vibration produced by road traffic. The potential concern with vibration from road traffic is its perception and possible annoyance. The assessment needs to address the findings and draw conclusions relating to the 0.14 mm/s criterion.</p>	<p>The vibration levels measured at the side of the road for different operations varied between 0.05 mm/sec to 0.1 mm/sec. Similar levels of vibrations can be expected with the proposed highway alignments. These levels will be further reduced at the receptor locations identified within a 25 m distance from the edge of the roadway. These locations were highlighted in the EA Report just to identify potential receptors that fall within the influence region of the highway. For most of these 138 receptors the levels would be below 0.14 mm/sec.</p>	<p>The Study Team response is not satisfactory. The reference to the 50 mm/s structural damage criterion in the report remains confusing. The DRIC report should be revised. The vibration part of the report should address the findings of the vibration study and draw conclusions relating to the 0.14 mm/s annoyance criterion. How many receptors would exceed the annoyance criterion and by how much? What will be done to address this issue?</p>	<p>Vibration Levels resulting from road traffic, with rubberized tires, have never been an issue. During this study, measurements taken from existing traffic in the corridor showed that, even at the side of the road, the recorded vibration levels were all between 0.05 mm/sec and 0.1 mm/sec, well below the 0.14 mm/sec annoyance criterion. It follows that predicted levels at any residents within 25 m of the proposed roadway edge are also expected to be well below the 0.14 mm/sec limit. Vibration impact is therefore not an issue for the identified residents. These residents were identified merely as a way of providing the reader a sense of the density/number of residents that will remain in the corridor within 25 m of the edge of the roadway. No mitigation measures are proposed as all vibration levels are expected to be well below the threshold of perception.</p> <p>It is acknowledged that the 50 mm/s vibration criterion is less significant to the scope of this particular study. It is also acknowledged that conclusions related to the 0.14 mm/s criterion should be more prominent/clear within the EA. Agency comments and responses form part of the Ministry (MOE) Review document which appears on the public record. As such, the study team considers that this response/clarification is part of the body of documentation describing the DRIC Environmental Assessment, and therefore constitutes appropriate clarification of the EA.</p>
39	<p>The TEPA document is dated December 2008, the assessment should have been performed in accordance with the MTO Environmental Guide for Noise (2006). For clarity as well as assessment purposes, it is crucial to identify the policy/guideline that forms the basis of the assessment. It is recommended that the assessment be revised accordingly.</p>	<p>The project was initiated prior to the release of the MTO Environmental Guide for Noise (MTO, 2006). The former protocol "A Protocol for Dealing With Noise Concerns During the Preparation, Review and Evaluation of Provincial Highway Environmental Assessments (MOE/MTO, 1996)" was used for the purpose of the assessment. However, the new MTO Environmental Guide for Noise will be used when decisions are made on noise mitigation and as the project moves through the highway construction phase.</p>	<p>The DRIC report should be revised to include the Team Study response, namely: The noise study was based on guidance in "A Protocol for Dealing With Noise Concerns During the Preparation, Review and Evaluation of Provincial Highway Environmental Assessments (MOE/MTO, 1986)". The new "MTO Environmental Guide for Noise (MTO, 2006)", not available when the project commenced, will be used when decisions are made on noise mitigation and as the project moves through the highway construction phase.</p>	<p>MOE's request to have the stated assertion incorporated into the EA Report is acknowledged. Agency comments and responses form part of the Ministry (MOE) Review document which appears on the public record. As such, the study team considers that its initial response is part of the body of documentation describing the DRIC Environmental Assessment, and therefore constitutes appropriate clarification of the EA.</p>
40	<p>The TEPA document states that stationary noise sources such as the plaza are assessed in accordance with publication NPC-205, Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban), October 1995. The TEPA document further states that the noise mitigation measures will be investigated if the project results in an excess greater than 5 dBA. There is no such provision in NPC-205 for a 5 dBA excess.</p>	<p>To clarify, the 5 dBA criteria was used to assess the need for noise barriers near the roads and was not intended to be used as a criteria for stationary sources.</p>	<p>Understood and accepted.</p>	<p>Not applicable</p>

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41	The TEPA document includes little regarding specific recommendations for the noise mitigation. Greater detail regarding possible mitigation is required.	The noise mitigation identified in the TEPA report is intended to be conceptual. Precise locations, aesthetic characteristics and other details will be reviewed in subsequent design phases. Mitigation will be designed to ensure optimum sound level reduction and locations that are agreeable to the public.	Accepted	Not applicable
42	The conclusions about the excess contained in the TEPA document and the Environmental Assessment Report are different. The TEPA document states that with a 5 m high barrier in place, the proposed project is predicted to result in no to marginal noise impact, except for one receptor. The highest exceedance after mitigation is 6 dBA. The EA Report conclusion omits the statement about the one receptor with a 6 dBA excess. This difference in the conclusions (identified above) between the Environmental Assessment Report and the TEPA document is inappropriate and should be modified.	The 6 dBA exceedance after mitigation is a night-time exceedance, and as such is not specifically addressed by the MTO/MOE noise protocol. A CEAA Screening Report is being prepared for federal approval by both the federal and provincial governments and this night time exceedance has been noted in that report.	Understood. However, it is inappropriate to have different conclusions. The EA report should be modified.	MOE's request to have this clarification incorporated into the conclusions of the EA Report is acknowledged. Agency comments and responses form part of the Ministry (MOE) Review document which appears on the public record. As such, the study team considers that its initial response clarifying the conclusions of the two reports is part of the body of documentation describing the DRIC Environmental Assessment, and therefore constitutes appropriate clarification of the EA.
43	The assessment found that the sound level at one of the receptors will increase by about 5 dBA (day time) and the actual level will reach about 70 dBA (day time). This is significant and should be identified.	<p>There are four receptors along the corridor for which the daytime sound level exceeds the 65 dBA requirement of the MTO Environmental Guide for Noise (MTO, 2006), including one receptor where the daytime level approaches 70 dBA. These sound levels reflect the provision of noise mitigation. These receptors were not explicitly identified in the EA Report or were not considered to be of significant concern for the following reasons. It should be noted that the noise levels predicted as part of this study were based on a conceptual level of design, and that further analysis and design work will be completed at later stages to improve on these levels where possible.</p> <p>The sound levels at two of the receptors (1-S and R20) are essentially identical to the predicted levels for the 2035 base case condition (67.4 dBA vs. 67.5 dBA base case for 1-S, and 68.7 dBA vs. 68.1 dBA base case for R20);</p> <p>The sound level with mitigation at one of the receptors (3-N) is significantly less than the predicted base case noise level (67.6 dBA vs. 75.5 dBA base case);</p> <p>The receptor with the highest daytime level of 69.8 dBA (28S) is an industrial property and as such mitigation is not required at the property.</p>	Accepted	Not applicable

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44	The assessment should address the feasibility of mitigation at all the receptors showing excesses.	As noted above, noise mitigation identified in the TEPA report is conceptual, and will be further defined in subsequent design phases. Mitigation will be designed to ensure optimum sound level reduction and locations that are agreeable to the public. Sufficient assessment has been undertaken to demonstrate that policy requirements for noise mitigation will be achieved, as a minimum.	Accepted	Not applicable
45	The proposed "follow up and monitoring" program presents several recommendations that deal with construction activities and complaints. The assessment also states that, subject to determining the effectiveness of the noise barriers, additional measures may be implemented and that consultations with communities regarding mitigation will continue during the design and construction phases of the project. The recommendations regarding construction activities do not appear to be related to follow up and monitoring. It would seem more appropriate to move these recommendations into the section dealing with construction noise. No comments about the additional measures and consultation.	The follow-up and monitoring program, including recommendations regarding construction activities, was included in a single section for ease of review and follows the standard format of the other TEPA reports.	Accepted	Not applicable