



LS9.1.16

Mailing Address:
The Toronto Industry Network
c/o Paul Scrivener and Associates
28 Bannatyne Drive
Toronto, ON M2L 2N9
Phone & Fax: (416) 444-8060
Email: ph_scrivener.associates@allstream.net

The Toronto Industry Network

January 22, 2016

EMAILED

The Chair and Members of the Licensing
and Standards Committee,
10th - West Tower, City Hall,
100 Queen Street West,
Toronto, Ontario,
M5H 2N2.

Attention: Ms. Della Ting

Dear Committee Members:

Re: LS 9.1 - Proposed Revisions to the Noise By-law - Chapter 591

The Toronto Industry Network has found working with Municipal Licensing and Standards staff has been very positive and is writing in support of most of the proposed changes to the Noise By-law as they relate to the manufacturing community. Importantly, the changes better define the relationship between the provincial and the City's regulations regarding noise emissions. However, we recommend the following modifications be made to further clarify the City's regulations:

§ 591-3. Specific exemptions.

See new wording, item C, for 591-2 in City Attachment 3 and item A, 591-5 in City Attachment 4 to exempt a stationary source (industry) from the by-law if it is in compliance with an ECA issued by MOECC *and there is agreement for noise mitigation*, specifically:

C. " from a stationary source where the emission of sound is in compliance with an environmental compliance approval that has been granted when that approval includes an agreement for noise mitigation."

....2

Page 2

Including the wording that there must be a noise mitigation plan or an agreement for a noise mitigation plan will cause ambiguity, uncertainty and a lack of clarity. The reason for this is that a noise mitigation plan is already part of the MOECC Environmental Compliance Approval requirement. This could be interpreted to mean that a facility with a valid Environmental Compliance Approval (ECA) would not qualify to be exempt from Chapter 591 if the facility obtained its ECA without the need for additional noise mitigation, such as a facility with good design or minimal noise impact. We recommend the removal of the words "*when that approval includes an agreement for noise mitigation*".

It should also be noted that the typical ECA has a condition requiring the stationary source to continue to operate in compliance with the noise criteria of NPC-300.

Recommendations:

1. Environmental Compliance Approval should be defined in the Definitions section of Chapter 591 (as an environmental approval issued by MOECC under Section 9 of the EPA).
2. Stationary sources operating with and in compliance with a valid ECA should be exempted, without the need for a noise mitigation plan or such agreement, on the basis of being in compliance with the ECA.
3. Support these changes, with the deletion of the requirement for a noise mitigation plan. An ECA and continued operation in compliance with the ECA should be sufficient for exemption.

We thank you for your attention and hope that the By-law can be revised to accommodate these changes before going to Council.

Sincerely,

A handwritten signature in cursive script that reads "Paul Scrivener".

Paul Scrivener,
Director of External Affairs