



Community and Strategic Planning

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Our File: GEGEA 2009

February 26, 2010

TO: All Municipal Clerks / CAOs

RE: Renewable Energy Project Municipal Consultation

Attached please find a report prepared by our Office that was considered by County Council on February 24, 2010 regarding municipal consultation for renewable energy project approvals. The report was adopted by Council and is circulated to the area municipalities for their consideration.

The report proposes a joint municipal consultation process, coordinated by the Community and Strategic Planning Office (CASPO). As indicated in the Planning report, the clerk of each local municipality and upper-tier municipality in which the proposed renewable energy project is situated will receive a consultation form. Such consultation is a mandatory requirement of the proponent in accordance with the Renewable Energy Approval (REA) regulated under O.Reg. 359/09 of the Environmental Protection Act. We are proposing that the response to the consultation form be prepared jointly for submission to the applicant, as indicated in the report and the attached guide. The guide has been prepared by Planning staff, based on an extensive review of O.Reg. 359/09.

Please review the report and attachments and advise as to whether your municipality is interested in participating in the joint response process proposed. Currently, there is one REA underway for a wind farm in the Township of East Zorra-Tavistock; the circulation for the REA for a wind farm in Norwich Township is expected to arrive in early March. The proposed solar farms in the Townships of South-west Oxford and wind and solar farms in the Township of Zorra would also generate similar circulations, as they will eventually require an REA. Should you have any questions or suggested amendments to the process or guide, do not hesitate to contact me.

Yours Truly,

Margaret Misek-Evans
Corporate Manager

MME/mme



To: M. Bragg, CAO
FROM: M. Misek-Evans, Corporate Manager of Community and Strategic Planning
SUBJECT: Renewable Energy Project Municipal Consultation

RECOMMENDATION

That County Council endorse the municipal consultation process for renewable energy projects outlined in Report No. 2010-52 and authorize staff to consult with the area municipalities regarding their participation in a joint municipal consultation process.

PURPOSE

To establish a municipal consultation protocol for renewable energy projects requiring approval under the Environmental Protection Act.

BACKGROUND

In May of 2009, the Province enacted the Green Energy and Green Economy Act (GEGEA); the GEGEA enacts the Green Energy Act and amends over 16 other Acts. Since then a number of schedules of the GEGEA have been proclaimed into force and regulations were prescribed late last year, among them O. Reg. 359/09 made under the Environmental Protection Act. O. Reg. 359/09 regulates approvals of renewable energy projects, including the consultation process. Specifically, this regulation provides for municipal consultation using the recently released "Consultation Form: Municipalities, Local Authorities" attached to this report in Appendix 1.

As Council is aware, the GEGEA removes municipal planning powers over the development of renewable energy generation facilities and relegates municipalities to the status of a commenting agency in the approval process. In essence, the planning responsibilities and processes associated with renewable energy projects have been uploaded to the Province. Beyond the commenting role, municipalities (and the public) have a narrow right of appeal to the Environmental Review Tribunal against the grant of a Renewable Energy Approval. A hearing can only be requested within 15 days of such an approval on the grounds that the renewable energy project will cause "serious harm to human health or serious and irreversible harm to plant life, animal life, or the natural environment". The onus is on the appellant to prove such harm.

O. Reg. 359/09 provides that, at least 90 days prior to the final public meeting required in the approval process, the clerk of each local municipality and upper-tier municipality in which the project is situated will receive a consultation form. As can be seen from the form in Appendix 1, the proponent of a renewable energy project must supply details regarding the applicant as well as the location and description of the project and all required supporting studies in draft form. Supporting studies include a project description report, design and operations report,

construction plan report and decommissioning plan report. The form requests municipal comments pertaining to road access, traffic management, access/connection to existing services and utilities, emergency management procedures, building code requirements and information pertaining to natural and cultural resources and constraints. Municipal consultation is not required for all projects. For example, a wind facility with a name plate capacity between >3 kW and <50 kW or a Class 1 or 2 solar facility, i.e., where the solar panels are mounted on a wall or a building.

Currently, the County and the Township of East Zorra-Tavistock have received a municipal consultation package from Prowind Canada for their proposed wind turbine project between Innerkip and Hickson. The Innerkip Wind Farm is proposed as a Class 4 Wind Facility with 8 turbines anticipated to generate a maximum of 19 MW of energy. A Class 4 wind project must have a name plate capacity of 50 kW or more, with anticipated noise levels of 102 dBA or greater. Municipal comments are requested prior to mid-April, which is the target period for submission of the final reports to the Ministry of Environment for approval following the second and final public meeting.

COMMENTARY

The Community and Strategic Planning Office (CASPO) recommends that a consolidated approach be taken to municipal consultations using a common guide. Under this approach, local municipal and County comments would be compiled by CASPO into a report for submission to the applicant, once considered by the respective Councils. To assist with the preparation of comments, CASPO staff have reviewed the O. Reg. 359/09 requirements and designed a common guide to be used by local municipal and County staff and agencies in reviewing the materials. This guide is attached in Appendix 2.

During the 90-day window for comments, it is anticipated that the following process will unfold:

1. Consultation form and supporting materials are received by the Clerks of the local municipality(s) and County.
2. CASPO would assign a file number and circulate the guide to County and local municipal staff indicating the dates for local and County Council meetings and the due date for comments to CASPO.
3. CASPO would compile the County and local municipal comments into a report for the local Council, followed by a similar report to County Council.
4. County and local municipal Clerks would submit the report and Council resolutions to the applicant.
5. Attendance at the final public meeting is open to the public and would be attended by the area Planner.

This is not proposed as a mandatory process; some municipalities may wish to prepare their comments independently. The process is designed to permit sharing of information and input as well as an opportunity for the respective Councils to consider both local municipal and upper tier comments.

Subject to County Council approval, CASPO proposes to canvass the local municipalities to ascertain their interest in a joint response process as outlined herein. Given that the first municipal response is due in April, staff have shared the guide and proposed process with staff of the Township of East Zorra-Tavistock.

"Margaret Misk-Evans"

Margaret Misk-Evans, MCIP, RPP
Corporate Manager

"M. R. Bragg"

M. R. Bragg
CAO

/MME

Dated: February 11, 2010
OUR FILE:

APPENDIX 1
RENEWABLE ENERGY APPROVAL
CONSULTATION FORM

Ministry of the Environment

**PART A: TO BE COMPLETED BY THE APPLICANT BEFORE SUBMITTING TO
 MUNICIPALITY OR LOCAL AUTHORITY**
Section 1 - Project Description

1.1 - Renewable Energy Project
Project Name <i>(Project identifier to be used as a reference in correspondence)</i>

Project Location					
Same as Applicant Physical Address? <input type="checkbox"/> Yes <input type="checkbox"/> No (If no, please provide site address information below)					
Civic Address- Street Information <i>(includes street number, name, type and direction)</i>					Unit Identifier <i>(i.e. apartment number)</i>
Survey Address <i>(Not required if Street Information is provided)</i>					
Lot and Conc.: used to indicate location within a subdivided township and consists of a lot number and a concession number.		Part and Reference: used to indicate location within unorganized territory, and consists of a part and a reference plan number indicating the location within that plan. Attach copy of the plan.			
Lot	Conc.	Part	Reference Plan		
Location Information <i>(includes any additional information to clarify physical location)(e.g. municipality, ward/ township)</i>					
Geo Reference <i>(e.g. southwest corner of property)</i>					
Map Datum	Zone	Accuracy Estimate	Geo Referencing Method	UTM Easting	UTM Northing

Project Phasing <i>(outline construction, operation and decommissioning activities)</i>

1.2 - Environmental Context
Describe any negative environmental effects that may result from engaging in the project <i>(consider construction, operation and decommissioning activities.)</i>
Propose early avoidance/prevention/mitigation concepts and measures.

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1.3 - Renewable Energy Generation Facility

Type of Facility / Operation *(select all that apply & complete all appropriate sections)*

<input type="checkbox"/> Wind Facility (Land Based) <input type="checkbox"/> Wind Facility (Off-Shore) <input type="checkbox"/> Biogas Facility (Anaerobic Digesters) <input type="checkbox"/> Biomass Facility (Thermal Treatment)	<input type="checkbox"/> Biofuel Facility <input type="checkbox"/> Solar Photo Voltaic Facility <input type="checkbox"/> Other Describe : <input type="checkbox"/> Class (if applicable) :
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Name Plate Capacity	Expected Generation	Service Area	Total Area of Site <i>(hectares)</i>

Provide a description of the facilities equipment or technology that will be used to convert the renewable energy source or any other energy source to electricity.

1.4 – Renewable Energy Generation Activities

Describe the activities that will be engaged in as part of the renewable energy project

Section 2 – Supporting Documents

2.1 – Requirement	Name of Draft documents distributed for consultation	Date available to Municipal or Local Authority Contact
DRAFT Project Description Report		
DRAFT Design and Operations Report		
DRAFT Construction Plan Report		
DRAFT Decommissioning Plan Report		
List of other Documents		

PART B: TO BE COMPLETED BY THE MUNICIPALITY OR LOCAL AUTHORITY

Section 4 - Municipal or Local Authority Contact Information (check the one that applies)

Local Municipality <i>(include each local municipality in which project location is situated)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No					
Name of Municipality	Address	Phone	Clerk's Name	Clerk's Phone/Fax	E-Mail Address
Upper Tier Municipality <i>(include each upper tier municipality in which project location is situated)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No					
Name of Municipality	Address	Phone	Clerk's name	Clerk's Phone/Fax	E-Mail Address
Local roads area <i>(include each local roads area in which project location is situated)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No					
Name of local roads board	Address	Phone	Secretary-treasurer's Name	Secretary-treasurer's Phone/Fax	E-Mail Address
Board Area <i>(include each board area in which project location is situated)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No					
Name of Local Service Board	Address	Phone	Secretary's name	Secretary's Phone/Fax	E-Mail Address

Section 5: Consultation Requirement

5.1 - Project Location
Provide comment on the project location with respect to infrastructure and servicing.
5.2 - Project Roads
Provide comment on the proposed project's plans respecting proposed road access.
Identify any issues and provide recommendations with respect to road access
Provide comment on any proposed Traffic Management Plans
Identify any issues and provide recommendations with respect to the proposed Traffic Management Plans

5.3 – Municipal or Local authority Service Connections

Provide comment on the proposed project plans related to the location of and type of municipal service connections, other than roads.

Identify any issues and provide recommendations with respect to the type of municipal service connections, other than roads.

5.4 – Facility Other

Identify any issues and recommendations with respect to the proposed landscaping design for the facility

Provide comment on the proposed project plans for emergency management procedures / safety protocols.

Identify any issues and recommendations with respect to the proposed emergency management procedures / safety protocols.

Identify any issues and recommendations with respect to any Easements or Restrictive Covenants associated with the Project Location

5.5 Project Construction

Identify any issues and recommendations with respect to the proposed rehabilitation of any temporary disturbance areas and any municipal or local authority infrastructure that could be damaged during construction.

Identify any issues and recommendations with respect to the proposed location of fire hydrants and connections to existing drainage, water works and sanitary sewers

Identify any issues and recommendations with respect to the proposed location of buried kiosks and above-grade utility vaults

Identify any issues and recommendations with respect to the proposed location of existing and proposed gas and electricity lines and connections

Provide comment on the proposed project plans with respect to Building Code permits and licenses.

Identify any issues and recommendations related to the identification of any significant natural features and water bodies within the municipality or territory.

Identify any issues and recommendations related to the identification any archaeological resource or heritage resource.

APPENDIX 2

**RENEWABLE ENERGY APPROVAL
MUNICIPAL CONSULTATION FORM**



Renewal Energy Approval Municipal Consultation Form

Municipal Issues identification / response guideline

County File Number: _____

Date of Receipt of Municipal Consultation Form: _____

Date of Response to Applicant/Agent: _____

Municipal Council Planned Council date: _____

County Council Planned Council date: _____

Circulation date: _____ **Comment due date:** _____

County and municipal departments to be circulated:

- County Public Works – Refer to Section A and G
- Public Health & Emergency Services – Refer to Section B and G
- Community & Strategic Planning – Refer to Section C and G
- Municipal Public Works – Roads, Drainage – Refer to Section A and G
- Municipal Building Department – Refer to Section D and G
- Local Fire Chief – Refer to Section B and G
- Local Power Distribution Company – Refer to Section E and G
- Local Heritage Committee or Department – Refer to Section C5 and G
- Local Airport Authority – Refer to Section F and G

Instructions:

This form and the Province's Consultation Form (enclosed) are to be circulated to each of the County departments/agencies checked above.

Copies of the proponent's studies are to be provided for detailed review as set out in this guide. Each department/agency is requested to use this guide in preparing a response to the circulation. Responses to the circulation will be compiled into a report to the municipal Council and County Council. Once reviewed by the respective Councils, the consolidated comments will be conveyed to the applicant.

MUNICIPAL / LOCAL INFRASTRUCTURE AND SERVICING ISSUES:

A. Public Works

1. Construction Plan Report

- Comment regarding details of timing of construction/site activity and potential implications for County/municipal facilities (services, fire hydrants, municipal drains, roads and accesses).
- Provide comment regarding traffic management and access during construction and operation of the facility, indicating additional information requirements, if any, as well as required permits.
- If mitigation or improvements to County/municipal road facilities are required during or post construction, does the report accurately describe said works? If not, describe what issues need to be addressed and make recommendations in this regard.

2. Design and Operations Report

- Review site plan for details of County/municipal facilities (roads, rights-of-way/easements, etc.) located in proximity to the proposed facility. Comment on planned sediment control and stormwater management during and after construction.
- Review plan for ground water or surface water supplies required for the facility in relation to any existing municipal infrastructure, including water lines, sewer lines, municipal wells, water treatment facilities, wastewater treatment facilities, fire hydrants and storm sewers and identify any concerns.
- Review expected quantity (daily and annually) of sewage produced and planned manner of disposal and comment on access to municipal sewers, capacity issues, connection requirements and costs, etc.
- Check for water takings - time periods, production rates, and potential to interfere with existing municipal water taking.
- Check for types of waste storage/handling/processing/disposal facilities on site and comment regarding adequacy of waste handling.
- Identify any issues and recommendations with respect to any easements or restrictive covenants associated with the project location.

- Review Environmental Effects Monitoring Plan for performance objectives, mitigation measures, and contingency plan.
 - Response Plan - Check actions to be taken in case of emergencies, especially in regard to actions, contact persons and means of communicating as it relates to County/municipal infrastructure.
3. Hydrogeological Assessment Report:
- Check for geological and Hydrogeological features/conditions of land within 300 m (984 ft) of any biomass/organic/farm material storage facilities on site.
 - Review the assessment (and consultant's conclusions) for handling, storage and processing of biomass on site and identify any issues with respect to County facilities and services.
4. Decommissioning Report
- Comment regarding details of decommissioning activity and potential impacts on County/municipal roads and accesses to the property as well as other County/municipal services.
5. Other issues (please specify).

B. Public Health and Emergency Services

1. Construction Plan Report
- Comment regarding details of timing of construction/site activity and potential implications for County emergency management plans/procedures/resources.
2. Decommissioning Report
- Comment regarding details of decommissioning activity and potential implications for County emergency management plans/procedures/resources.
 - Review Environmental Effects Monitoring Plan for performance objectives, mitigation measures, and contingency plan.
3. Response Plan - Check actions to be taken in case of emergencies, especially in regard to actions, contact persons and means of communicating.
4. Training and Equipment
- Consider the project in light of existing emergency management capabilities and resources to determine whether additional training or equipment are required to address an emergency situation.
5. Design and Operations Report
- Check for any proposed private sewage works for the facility (collection, transmission, treatment, disposal) with respect to expected quantity (daily and annually) of sewage produced and manner of disposal and comment on permitting process and other requirements.
 - Check for mitigation measures to ensure that sewage will not result in negative environmental impacts on the quality of any water, including assimilative capacity of any discharges to water receiving body.

- Review plan for private ground water or surface water supplies required for the facility in relation to any existing municipal or private wells and comment on location relative to other wells.

6. Other issues (please specify).

C. Planning Information and Issues

1. Identify the following information for the site (include mapping, as required):
 - Land Use Designation(s) of subject lands, including special protection categories associated with wellhead protection areas
 - Aquifer vulnerability rating for the subject lands
 - Zoning of subject lands, including applicable overlays
 - Land Capability for Agriculture - Soil Class(es)
 - Significant Environmental features as well as woodlands identified in the Oxford Natural Heritage Study (ONHS, 2006) as significant on the subject lands and within 120 metres (394 feet)
 - Environmental constraints on the subject lands and within 120 metres (394 feet)
 - Cultural heritage resources on the subject lands and on abutting properties
 - Archeological resources on the subject lands and within 250 metres (820 feet)
 - Human-made constraints on the subject lands and on abutting properties, including the airport noise contour for the Tillsonburg Municipal Airport for proposals in its vicinity
 - Watercourses, municipal drains, intermittent streams, locally significant or unevaluated wetlands on the subject lands or within 120 metres (394 feet), including aquatic resource rating (from OHNS)
 - Floodplains and areas subject to conservation authority generic regulations on the subject lands or within 120 metres (394 feet)
 - Sand/gravel or limestone resources or extraction operations on the subject lands or within 120 metres (394 feet)
2. Land Use Designations
 - Briefly describe land use in the area, including proximity of the project to designated settlement areas.
 - Briefly describe land use designation(s) and zoning of the subject lands in terms of permitted uses, relevant review criteria, prohibited uses and performance requirements.
 - Describe land capability for agriculture for proposals in rural areas.
 - Describe aquifer vulnerability rating for the subject lands.
 - Review assumed location of sensitive receptors estimated for all vacant lots relative to MDS, environmental features and constraints, length of driveway and service connections (See S. 1(4) and 1(5) of O. Reg. 359/09, *Renewable Energy Approvals under Part V.0.1 of the Environmental Protection Act*)
3. Environmental Features
 - Identify and describe each environmental feature on the subject lands and within 120 metres (394 feet).