

Green Energy Act (GEA) and its Regulations

- GEA passed and received 3rd Reading less than 2 months later
- Few amendments, despite substantial public comment
- Calls for creation of environmental requirements and setbacks – to be “developed in consultation with Ontarians”
- All that is published to date is “Proposed Content Document” (PCD). Not regs themselves

What is Regulated?

- Consultation with local residents, municipalities and Aboriginal communities
- Studies and research required for approval;
- Identification of potential problems and proposed mitigation
- **SETBACKS!!**
- Because regulations themselves not available, much is unknown

Setbacks

- From “Points of Reception”/Receptors – How defined?
 - “Centre of Structure” (P.C.D.) or Structure plus 30m (Noise Guidelines)
- Silent on “Participating Receptors” (those who have leased land for turbine location)
 - protected or not?
- Known: “Minimum 550m”
 - Dependant on Sound Power level and number of turbines

Setbacks, cont'd

| Number of Wind Turbines | Setback in metres (m) from closest Point of Reception corresponding to wind turbine Sound Power Levels in decibels (dBA) | | | | |
|---|--|---------------|---------|---------------|----------------------|
| | 102 dBA | 103 – 104 dBA | 105 dBA | 106 – 107 dBa | > 107 dBA |
| 1- 5 turbines | 550 m | 600 m | 850 m | 950 m | Noise study required |
| 6 – 10 turbines | 650 m | 700 m | 1000 m | 1200 m | |
| 11 – 25 turbines | 750 m | 850 m | 1500 m | 1500 m | |
| 26+ turbines | Noise study required | | | | |
| Proposed setbacks in the noise matrix are consistent with the Ministry of the Environment's <i>Noise Guidelines for Wind Farms</i> (October 2008) and the noise level limit of 40 dBA at the Point of Reception regardless of wind speed. | | | | | |

For Niagara Escarpment

- Turbines permitted – But “complete application” on NE would require NEC Development Permit
- Which Act “prevails”, NEPDA, or GEA?
- Removal of 1k setback; visual study beyond

- Therefore CORE has asked for amendment to add protection for Escarpment
 - Statement that, when considering Development Permit, Niagara Escarpment Act prevails
 - Adding in setback and study requirement

| Feature | Setback Required | Study Alternative |
|--------------------|--|--|
| Niagara Escarpment | 1km from the Niagara Escarpment boundary | The proponent would be required to undertake a visual impact study for any wind power facility within 2.5kms of the boundary of the Niagara Escarpment, demonstrating the ability to mitigate any negative impacts |

Threats from Wind Industry

- Pushback and threats from wind industry being reported – “These setbacks make wind development impossible”
- They clearly don't-offshore, rural and northern areas all remain possible
- Government felt 550 minimum necessary to protect health – can't now abandon

What Can You Do Politically?

Write:

- Premier
 - Room 281, Main Legislative Building
Queen's Park
Toronto, ON M7A 1A1
email: dmcguinty.mpp.co@liberal.ola.org
- Minister of Energy – Smitherman
 - Ministry of Energy and Infrastructure
900 Bay Street, 4th Floor, Hearst Block
Toronto, Ontario, M7A 2E1
email: mei.gov.on.ca

What Can You Do Politically?

- Minister of Health – Caplan
 - Ministry of Health and Long-Term Care
10th Floor, Hepburn Block
80 Grosvenor Street
Toronto, ON M7A 2C4
email: dcaplan.mpp@liberal.ola.org
- Minister of Natural Resources – Cansfield
 - Ministry of Natural Resources
6th Floor, Whitney Block
99 Wellesley Street West
Toronto, ON M7A 1W3
email: dcansfield.mpp.co@liberal.ola.org

What Can You Do Politically?

- Minister of Environment – Gerretsen
 - Ministry of the Environment
12th Floor
135 St. Clair Avenue West
Toronto, ON M4V 1P5
email: jgerretsen.mpp@liberal.ola.org

- Message?
 - Government promised protection of health and environment
 - Setbacks proposed to do that
 - Government can now do no less
 - Niagara Escarpment deserves full protection

What Can You Do Legally?

1. Access the documents:

- The MOE document
 - “Proposed Content for the Renewal Energy Approval Regulation under the *Environmental Protection Act*” and is available at:
http://www.eng.gov.on.ca/envision/env_reg/er/documents/2009/010-6516.pdf
- The MNR Document
 - “Draft Approval and Permitting Requirements Document for Renewable Energy Projects” and is available at: <http://www.mnr.gov.on.ca/272327.pdf>

2. Send in Comments by July 24.

- Public needs to see regulations themselves, and be able to comment
- Must protect Escarpment by making NEPDA (Escarpment Act) paramount when considering development permits for Turbines
- Must provide 1k setback and 2.5k study area from Escarpment boundary
- Must measure setback from 30m amenity area around dwellings; provide protection for vacant lots

- Secure decommissioning, insurance, emergency response plan
- Protect landowners who lease
 - All citizens deserve health protection of minimum setback
 - Protect them from liability risks – claims by neighbours (health, other damages)
 - Responsibility and costs of decommissioning

Send comments to:

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- Sue Jones:

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