

Frequently Asked Questions – Renewable Energy Approval

Why does the ministry believe a setback of 550 metres for wind turbines is a safe distance?

- The minimum setback for wind projects of 550 metres will ensure noise levels do not exceed 40 decibels at buildings used by people, such as a residence. Forty decibels is approximately the noise level experienced in a quiet office or library.
- The setbacks rise with the number of turbines and the sound level rating of selected turbines. For example, a turbine with a sound power level of 106 decibels has to meet a setback of 950 metres from the nearest receptor.
- We're confident that the science around 550 meters is sound. We used the most conservative modelling available nationally and internationally, and our experiences in Ontario and that of other jurisdictions supports this.
- Going forward, the Ministry of the Environment will develop the science to monitor and measure low frequency noise, as currently there are no established and accepted protocols. In the future, wind farm operators may be required, through conditions of the Renewable Energy Approval, to monitor and address perceptible low frequency noise once acceptable protocols for doing so have been established.

Will renewable energy development be permitted in wetlands and other ecologically sensitive areas?

- Protecting significant natural features such as wetlands and the hydrologic functions they support are important to this government.
- The REA establishes clear rules to continue to protect significant natural features and sensitive water bodies so that renewable energy project applicants know they must protect these important features and the hydrologic functions they support.
- Renewable energy facilities will not be permitted in provincially significant wetlands in Southern Ontario or coastal wetlands.
- In some instances a renewable energy facility may be permitted within 120 metres of provincially significant wetlands, but only if an environmental impact study demonstrates the ability to mitigate negative effects and is confirmed by the MNR.

How will species at risk, birds and bats be protected?

- The ministry is committed to ensuring that renewable energy projects are protective of the natural environment.
- Existing rules under MNR's Endangered Species Act will remain. Applicants must obtain a permit under the Endangered Species Act from MNR should their project have the potential to negatively affect a species or habitat protected under the Act.
- As part of the REA for most project types, a study of the potential impacts on wildlife habitat must be completed to the satisfaction of the MNR.
- The proposed process integrates existing study requirements with provincial standards to ensure the natural environment is protected.

How will the environment be protected now that the Environmental Assessment Act powers have been removed?

- The new process integrates existing previous study requirements with provincial standards to ensure the natural environment is protected.
- The Renewable Energy Approval process ensures transparent decision making and provides opportunity for public participation in the process.
- The new process replaces what was largely a proponent driven environmental assessment framework and replaces it with clear provincial rules and requirements.

How will the new approval process be any faster than the existing process?

- The ministry has introduced a streamlined approvals process and a service guarantee that bring with them greater certainty for developers who follow the rules.

How will I be consulted if there's a project in my community?

- The renewable energy approval process ensures transparent decision making and provides opportunity for public participation in the process.
- Applicants must provide written notice to all adjacent land owners, as well as public notice within a 120 metre radius of the proposed renewable energy generation facility at a preliminary stage of the project planning, and post at least two consecutive notices in a local newspaper.
- For most projects, applicants must also consult with local municipalities on specific matters related to municipal land, infrastructure, services and information and will be required to post a notice in a local newspaper of general circulation within the municipality where the project is located.
- Once ready to submit the application for Ministry of the Environment review, the applicant will be required to hold at least two community consultation meeting to discuss the project and its potential local impact.
- Any required studies must be made available for public review 60 days prior to the date of the second or final community consultation meeting.
- Municipal input is an important part of the REA process, and through a transparent decision making process local concerns can be addressed in a timely manner.

How will Aboriginal communities be consulted and the impacts on their rights considered as part of the approval?

- Aboriginal consultation will be mandatory for the applicant as part of the regulatory requirements for a Renewable Energy Approval.
- While the Crown will delegate certain procedural aspects of consultation to an applicant, the duty to consult rests with the Crown. The Crown will work to ensure that the duty to consult is fulfilled prior to a project being eligible for approval.
- During this process, aboriginal communities will have an opportunity to raise issues and concerns with the applicant and the ministry.
- If the applicant has not already appropriately considered impacts on Aboriginal and treaty rights, the Director can direct them to go back and consult before accepting their application for review.
- The Director will also consider the impacts of a project on aboriginal and treaty rights when setting conditions in the renewable energy approval.

What role will municipalities have in siting wind turbine projects?

- The ministry recognizes the importance of local decision making with respect to specific matters related to municipal land, services and information.
- A proponent of a renewable energy project will have to consult with local municipalities prior to applying for a Renewable Energy Approval.
- The ministry has developed a template for this consultation, which the proponent will use to relay project specific matters raised by the municipality. This document is to be submitted to the ministry as part of the application.
- The renewable energy approval process would ensure transparency of decision making and provide opportunity for municipal engagement in the process.

How do I know if my project needs approval?

- **Wind power** facility projects over three kW will require a Renewable Energy Approval (REA). The requirements that must be met to obtain a REA vary depending on the project's output (mW). For wind facilities generating between three and 50 kW, known as small wind projects, requirements are simplified and there are no mandatory setbacks. Facilities mounted on buildings may require building permits. For further information, contact the local building permit department.
- **Solar power** facility projects that are roof-top or wall-mounted solar facilities are exempt from a Renewable Energy Approval. Any ground-mounted solar facility capable of producing over 10 kW will require a REA. Ten kW is the average energy requirements of five to 10 households and uses a surface area of about 55 square metres.

- **Bio-energy** power facility projects must use biogas or biomass source material as defined under the Electricity Act. Bio-energy projects that are located on a farm and are already subject to an approved Nutrient Management Strategy under the Nutrient Management Act are exempt from obtaining a Renewable Energy Approval.
- **Water power** facility projects do not require a Renewable Energy Approval. The Water Power Class Environmental Assessment dated October 2008 is the source document for understanding the rules governing the development of water power projects. Water power projects must also obtain the existing permits and approvals from the Ministry of the Environment and Ministry of Natural Resources.
- For more information on renewable energy generation projects, and what is required for approvals, please contact the **Renewable Energy Facilitation Office** at REFO@ontario.ca or 1-877-440-REFO(7336) or (416) 212-6582.

As a developer do I have to send multiple applications to different ministries to get my project approved?

- The Ministry of the Environment now has a single approval. The process integrates existing study requirements with provincial standards to ensure the natural environment is protected.
- The Ministry of Natural Resources will continue to issue its approvals under its existing legislation but in a fashion that is coordinated with the Renewable Energy Approval providing clear guidance to help proponents through the process.
- Though multiple approvals are being issued based on experience and mandates of various ministries there will still be a one-window approach for renewable energy project approvals through a facilitator's office.

What happens to wind and other renewable energy projects that are part way through the current approval process?

- It is proposed that projects currently holding all required approvals for their facility, such as a Certificate of Approval, will not require a Renewable Energy Approval and will not be subject to the new rules, unless or until an amendment to the Certificate of Approval is required.
- The ministry recognizes that there are projects where substantial work has been done to date but yet all final approvals have not been obtained.
- Projects that have an Ontario Power Authority contract and have issued a notice of Completion at the time of the regulation's proclamation continue with EA process and apply for a Certificate of Approval. These projects, however, must comply with the 550 metre minimum noise setback and the new property and road setbacks will apply.
- Some projects – such as solar and biogas/biomass – do not require an environmental approval under the current rules, but will require a REA under the new rules. If these projects have an OPA contract and would have not been prohibited under municipal zoning prior to proclamation, they will be able to apply for a Certificate of Approval instead of a Renewable Energy Approval.

- It is proposed that where projects that have ministry approvals (e.g., a Permit to Take Water or Certificate of Approval) will not be required to get a Renewable Energy Approval unless there is a need for a change to the approval or permit.

What if I have a question about the application? Is there someone that I can contact for more information/assistance?

- For more information, please contact the Renewable Energy Facilitation Office (REFO) by email: REFO@ontario.ca, or by telephone: 1-877-440-REFO(7336) or (416) 212-6582