

**RENEWABLE ENERGY APPROVAL**NUMBER 7123-9W9NH2  
Issue Date: August 24, 2015Windlectric Inc.  
354 Davis Road  
Oakville, Ontario  
L6J 2X1

Project: Amherst Island Wind Energy Project  
Location: Loyalist Township, County of Lennox and Addington  
K0H 2S0

*You have applied in accordance with Section 47.4 of the Environmental Protection Act for approval to engage in a renewable energy project in respect of a Class 4 wind facility consisting of the following:*

- the construction, installation, operation, use and retiring of a Class 4 wind facility with a total nameplate capacity of 74.3 megawatts (MW).

*For the purpose of this renewable energy approval, the following definitions apply:*

1. "Acoustic Assessment Report" means the report included in the Application and entitled "Noise Assessment Report for Amherst Island Wind Project Rev. 14", dated May 4, 2015, prepared by HATCH and signed by Oleg Belashov, P.Eng., Mervyn Choy P.Eng. and Alex Tsopelas;
2. "Acoustic Audit - Emission" means an investigative procedure that is compliant with the CAN/CSA Standard C61400-11:07 and consisting of measurements and/or acoustic modelling of noise emissions produced by wind turbine generators, assessed to determine compliance with the manufacturer's noise (acoustic) equipment specifications and emission data of the wind turbine generators, included in the Acoustic Assessment Report;
3. "Acoustic Audit - Immission" means an investigative procedure consisting of measurements and/or acoustic modelling of all sources of noise emissions due to the operation of the Equipment, assessed to determine compliance with the Noise Performance Limits set out in this Approval;

4. "Acoustic Audit Report-Emission" means a report presenting the results of the Acoustic Audit - Emission;
5. "Acoustic Audit Report-Immission" means a report presenting the results of the Acoustic Audit - Immission;
6. "Acoustic Audit - Transformer Substation" means an investigative procedure that is compliant with the IEEE Standard C57.12.90 consisting of measurements and/or acoustic modelling of all noise sources comprising the transformer substation assessed to determine compliance with the Sound Power Level specification of the transformer substation described in the Acoustic Assessment Report.
7. "Acoustic Audit Report - Transformer Substation" means a report presenting the results of the Acoustic Audit - Transformer Substation.
8. "Acoustical Consultant" means a person currently active in the field of environmental acoustics and noise/vibration control, who is knowledgeable about Ministry noise guidelines and procedures and has a combination of formal university education, training and experience necessary to assess noise emissions from wind facilities;
9. "Act" means the *Environmental Protection Act* , R.S.O 1990, c.E.19, as amended;
10. "Adverse Effect" has the same meaning as in the Act;
11. "Application" means the application for a Renewable Energy Approval dated April 17, 2013, and signed by Ian Robertson, Chief Executive Officer, Windlectric Inc. and all supporting documentation submitted with the application, including amended documentation submitted up to the date this Approval is issued;
12. "Approval" means this Renewable Energy Approval issued in accordance with Section 47.5 of the Act, including any schedules to it;
13. "A-weighting" means the frequency weighting characteristic as specified in the International Electrotechnical Commission (IEC) Standard 61672, and intended to approximate the relative sensitivity of the normal human ear to different frequencies (pitches) of sound. It is denoted as "A";
14. "A-weighted Sound Pressure Level" means the Sound Pressure Level modified by application of an A-weighting network. It is measured in decibels, A-weighted, and denoted "dBA";
15. "CAN/CSA Standard 61400-11:07" means the "Wind turbine generator systems – Part 11: Acoustic noise measurement techniques", dated October 2007;

16. "Class 1 Area" means an area with an acoustical environment typical of a major population centre, where the background sound level is dominated by the activities of people, usually road traffic, often referred to as "urban hum";
17. "Class 2 Area" means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 Areas:
  1. sound levels characteristic of Class 1 during daytime (07:00 to 19:00 or to 23:00 hours);
  2. low evening and night background sound level defined by natural environment and infrequent human activity starting as early as 19:00 hours (19:00 or 23:00 to 07:00 hours);
  3. no clearly audible sound from stationary sources other than from those under impact assessment.
18. "Class 3 Area" means a rural area with an acoustical environment that is dominated by natural sounds having little or no road traffic, such as the following:
  1. a small community with less than 1000 population;
  2. agricultural area;
  3. a rural recreational area such as a cottage or a resort area; or
  4. a wilderness area.
19. "Company" means Windlectric Inc., and includes its successors and assignees;
20. "Compliance Protocol for Wind Turbine Noise" means the Ministry document entitled, Compliance Protocol for Wind Turbine Noise, Guideline for Acoustic Assessment and Measurement, PIBS# 8540e;
21. "Decibel" means a dimensionless measure of Sound Level or Sound Pressure Level, denoted as dB;
22. "Director" means a person appointed in writing by the Minister of the Environment and Climate Change pursuant to section 5 of the Act as a Director for the purposes of section 47.5 of the Act;
23. "District Manager" means the District Manager of the appropriate local district office of the Ministry where the Facility is geographically located;
24. "Equipment" means the wind turbine generators and one (1) transformer substation, identified in this Approval and as further described in the Application, to the extent approved by this Approval;

25. "Equipment (Concrete Plant)" means the equipment described in Schedule D and the supporting documentation referred to in Schedule D, to the extent approved by this Approval;
26. "Equivalent Sound Level" is the value of the constant sound level which would result in exposure to the same total A-weighted energy as would the specified time-varying sound, if the constant sound level persisted over an equal time interval. It is denoted  $L_{eq}$  and is measured in dB A-weighting (dBA);
27. "Facility" means the renewable energy generation facility, including the Equipment, as described in this Approval and as further described in the Application, to the extent approved by this Approval;
28. "Facility (Concrete Plant)" means any activity related to the temporary ready-mix concrete batching plant on the property where the Equipment (Concrete Plant) is located that takes place for the purposes of the construction of the Facility.
29. "IEEE Standard C57.12.90" means the IEEE Standard Test Code for Liquid-Immersed Distribution, Power, and Regulating Transformers, 2010.
30. "In-water Works" means any construction related works or activity that takes place below the high water mark during flowing conditions and/or when water is present;
31. "Independent Acoustical Consultant" means an Acoustical Consultant who is not representing the Company and was not involved in preparing the Acoustic Assessment Report. The Independent Acoustical Consultant shall not be retained by the Acoustical Consultant involved in the noise impact assessment;
32. "Ministry" means the ministry of the government of Ontario responsible for the Act and includes all officials, employees or other persons acting on its behalf;
33. "Noise Control Measures" means measures to reduce the noise emissions from the Facility including, but not limited to, silencers, acoustic louvres, enclosures, absorptive treatment, plenums and barriers. It also means the noise control measures outlined in the Acoustic Assessment Report;
34. "Noise Guidelines for Wind Farms" means the Ministry document entitled, "Noise Guidelines for Wind Farms - Interpretation for Applying MOE NPC Publications to Wind Power Generation Facilities", dated October 2008;
35. "Noise Receptor" has the same meaning as in O. Reg. 359/09;
36. "NTU" means the units of turbidity called Nephelometric Turbidity Units;
37. "Publication NPC-233" means Ministry Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October 1995;

38. "O. Reg. 359/09" means Ontario Regulation 359/09 "Renewable Energy Approvals under Part V.0.1 of the Act" made under the Act;
39. "Point of Reception" has the same meaning as in the Noise Guidelines for Wind Farms and is subject to the same qualifications described in that document;
40. "Professional Engineer" means as defined in O. Reg. 359/09;
41. "Qualified Independent Structural Engineer" means a Professional Engineer with training and/or experience in structural engineering and is not representing the Company and who was not involved in preparing the heritage assessment reports or the protected properties report;
42. "Qualified Inspector" means a person with training and/or experience in erosion and sediment control and stormwater management, not representing the Company and who was not involved in preparing the stormwater management and erosion and sediment control plans;
43. "Qualified Professional" means with respect to species at risk, a person with particular expertise who is trained or qualified;
44. "Significant Storm Event" means 10 millimetres of rain in any 24 hour period as measured at the closest Environment Canada weather station;
45. "Sound Level" means the A-weighted Sound Pressure Level;
46. "Sound Level Limit" is the limiting value described in terms of the one hour A-weighted Equivalent Sound Level  $L_{eq}$ ;
47. "Sound Power Level" means ten times the logarithm to the base of 10 of the ratio of the sound power (Watts) of a noise source to standard reference power of  $10^{-12}$  Watts;
48. "Sound Pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given location. The unit of measurement is the micro pascal ( $\mu\text{Pa}$ );
49. "Sound Pressure Level" means twenty times the logarithm to the base 10 of the ratio of the effective pressure ( $\mu\text{Pa}$ ) of a sound to the reference pressure of 20  $\mu\text{Pa}$ ;
50. "Turbid Water" means any discharge water or diverted water that results in a maximum increase of 8 NTU in the receiving water body relative to the background levels; and
51. "UTM" means Universal Transverse Mercator coordinate system.

*You are hereby notified that this approval is issued to you subject to the terms and conditions outlined below:*

## **TERMS AND CONDITIONS**

### **A - GENERAL**

A1. The Company shall construct, install, use, operate, maintain and retire the Facility in accordance with the terms and conditions of this Approval and the Application and in accordance with the following schedules attached hereto:

Schedule A - Facility Description

Schedule B - Coordinates of the Equipment and Noise Specifications

Schedule C - Noise Control Measures

Schedule D - Temporary Ready-Mix Concrete Batching Plant

A2. Where there is a conflict between a provision of this Approval and any document submitted by the Company, the conditions in this Approval shall take precedence. Where there is a conflict between one or more of the documents submitted by the Company, the document bearing the most recent date shall take precedence.

A3. The Company shall ensure a copy of this Approval is:

(1) accessible, at all times, by Company staff operating the Facility and;

(2) submitted to the clerk of each local municipality and upper-tier municipality in which the Facility is situated.

A4. If the Company has a publicly accessible website, the Company shall ensure that the Approval and the Application are posted on the Company's publicly accessible website within five (5) business days of receiving this Approval.

A5. The Company shall, at least six (6) months prior to the anticipated retirement date of the entire Facility, or part of the Facility, review its Decommissioning Plan Report to ensure that it is still accurate. If the Company determines that the Facility cannot be decommissioned in accordance with the Decommissioning Plan Report, the Company shall provide the Director and District Manager a written description of plans for the decommissioning of the Facility.

A6. The Facility shall be retired in accordance with the Decommissioning Plan Report and any directions provided by the Director or District Manager.

A7. The Company shall provide the District Manager and the Director at least ten (10) days written notice of the following:

- (1) the commencement of any construction or installation activities at the project location; and
- (2) the commencement of the operation of the Facility.

A8. The Company shall not construct or operate more than twenty-six (26) out of the twenty-seven (27) potential wind turbine generators identified in the Schedule B of the Approval;

**B - EXPIRY OF APPROVAL**

B1. Construction and installation of the Facility must be completed within three (3) years of the later of:

- (1) the date this Approval is issued; or
- (2) if there is a hearing or other litigation in respect of the issuance of this Approval, the date that this hearing or litigation is disposed of, including all appeals.

B2. This Approval ceases to apply in respect of any portion of the Facility not constructed or installed before the later of the dates identified in Condition B1.

**C - NOISE PERFORMANCE LIMITS**

C1. The Company shall ensure that:

- (1) the Sound Levels from the Equipment, at the Points of Reception identified in the Acoustic Assessment Report, comply with the Sound Level Limits set in the Noise Guidelines for Wind Farms, as applicable, and specifically as stated in the table below:

<b>Wind Speed (m/s) at 10 m height</b>	<b>at or below 4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
Sound Level Limits, dBA	40.0	40.0	40.0	43.0	45.0	49.0	51.0

- (2) the Equipment is constructed and installed at either of the following locations:
  - (a) at the locations identified in Schedule B of this Approval; or
  - (b) at a location that does not vary by more than 10 metres (m) from the locations identified in Schedule B of this Approval and provided that,
    - (i) the Equipment will comply with Condition C1 (1); and
    - (ii) all setback prohibitions established under O. Reg. 359/09 are complied with.
- (3) the Equipment complies with the noise specifications set out in Schedule B of this Approval.

- C2. If the Company determines that some or all of the Equipment cannot be constructed in accordance with Condition C1 (2), prior to the construction and installation of the Equipment in question, the Company shall apply to the Director for an amendment to the terms and conditions of the Approval.
- C3. Within three (3) months of the completion of the construction of the Facility, the Company shall submit to the Director a written confirmation signed by an individual who has the authority to bind the Company that the UTM coordinates of the “as constructed” Equipment comply with the requirements of Condition C1 (2).

#### **D – CONFIRMATION OF VACANT LOT NOISE RECEPTORS**

- D1. The locations identified as vacant lot receptor in Table C.1 of the Acoustic Assessment Report are specified as Noise Receptors for the purposes of subsection 54 (1.1) of O. Reg. 359/09 and subsection 35 (1.0.1) of O. Reg. 359/09.

#### **E - ACOUSTIC AUDIT - IMMISSION**

- E1. The Company shall carry out an Acoustic Audit - Immission of the Sound Levels produced by the operation of the Equipment in accordance with the following:
- (1) the acoustic audit measurements shall be undertaken in accordance with Part D of the Compliance Protocol for Wind Turbine Noise;
  - (2) the acoustic audit measurements shall be performed by an Independent Acoustical Consultant on two (2) separate occasions at five (5) different Points of Reception that represent the location of the greatest predicted noise impacts, i.e., the highest predicted Sound Levels, and that are located in the direction of prevailing winds from the Facility;
  - (3) if any of the five (5) Points of Reception cannot be selected on the basis of the criteria described in Condition E1(2) due to access restrictions or for any other reason, the Company must select alternate Points of Reception or locations (other than a Point of Reception), and must provide a clear written explanation to the Director and District Manager prior to undertaking the acoustic audit measurements as to why the criteria described in Condition E1(2) could not be met and the basis for selecting the alternate Points of Reception or locations. The Company must obtain the written agreement of the Director, and follow any directions provided, for the use of these alternate Points of Reception or locations prior to proceeding with the acoustic audit measurements.
- E2. The Company shall submit to the District Manager and the Director an Acoustic Audit Report - Immission, prepared by an Independent Acoustical Consultant, at the following points in time:
- (1) no later than twelve (12) months after the commencement of the operation of the Facility, or such other date as agreed to in writing by the Director, for the first of the two (2) acoustic audit measurements at the five (5) different Points of Reception; and



- (2) no later than eighteen (18) months after the commencement of the operation of the Facility, or such other date as agreed to in writing by the Director, for the second of the two (2) acoustic audit measurements at the five (5) different Points of Reception.
- E3. The Company shall carry out an Acoustic Audit - Transformer Substation and shall submit to the Director and the District Manager an Acoustic Audit Report – Transformer Substation prepared by an Independent Acoustical Consultant, in accordance with Ministry Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October, 1995 as amended, and no later than six (6) months after the commencement of the operation of the Facility.
- E4. In addition to the requirements described in Condition E3, the Acoustic Audit - Transformer Substation must include a compliance summary of the measurement results and the transformer sound data contained in Appendix B of the Acoustic Assessment Report. The following items must be included in the compliance summary:
- (1) transformer sound power levels (overall level and frequency spectra in octave bands); and
  - (2) a statement that the transformer overall A-weighted sound power levels do not exceed the maximum sound power levels specified in the Schedule B of the Approval.

**F - ACOUSTIC AUDIT- EMISSION**

- F1. The Company shall carry out an Acoustic Audit - Emission of the acoustic emissions produced by the operation of the wind turbine generators in accordance with the following:
- (1) the acoustic emission measurements shall be undertaken in accordance with the CAN/CSA Standard C61400-11:07;
  - (2) the acoustic emission measurements shall be performed by an Independent Acoustical Consultant; and
  - (3) the acoustic emission measurements shall be performed on two (2) of the wind turbine generators; on one (1) of the wind turbine generators rated at 2.772 megawatts (MW) generating output capacity and another one (1) of the wind turbine generators rated at 2.942 megawatts (MW) generating output capacity used in the Facility.
- F2. The Company shall submit to the Director and the District Manager an Acoustic Audit Report-Emission, prepared in accordance with Section 9 of the CAN/CSA Standard C61400-11:07 by an Independent Acoustical Consultant, no later than six (6) months after the commencement of the operation of the Facility, or such other later date as agreed to in writing by the Director.

- F3. In addition to the requirements described in Condition F2, the Acoustic Audit Report-Emission must include a summary of the measurement results corresponding to the Maximum Sound Power Levels (dBA) shown in Table B1 of Schedule B, supported by the Siemens letter dated December 16, 2014 (contained in the Appendix B of the Acoustic Assessment Report). The purpose of the summary is to confirm the noise specifications of the wind turbine generators with specifications included in the Application. The following items must be included in the summary:
- (1) sound power levels (overall levels and frequency spectra in octave bands for each wind speed) of the wind turbine generators;
  - (2) tonal audibility values (for each wind speed) of the wind turbine generators;
  - (3) a statement that the measured overall A-weighted sound power levels of wind turbine generators, do not exceed the values of the Maximum Sound Power Level (dBA) shown in Table B1 of Schedule B of the Approval; and
  - (4) a statement that the wind turbine generators tonal audibility values, as per Condition F3(2), comply with the maximum tonal audibility value noted in the Acoustic Assessment Report.
- F4. If results from the Acoustic Audit Report-Emission described in condition F3 find that any of the wind turbine generators sound power levels and/or the tonal audibility values exceed the values specified within Schedule B of the Approval and/or the Acoustic Assessment Report, the Company shall:
- (1) provide within the Acoustic Audit Report-Emission a detailed description of the operational mitigation measures which shall be implemented (no later than nine (9) months after the commencement of the operation of the Facility, or such other date as agreed to in writing by the Director) at all wind turbine generators at the Facility to ensure compliance with the applicable criteria; and
  - (2) carry out an additional Acoustic Audit - Emission of the acoustic emissions produced by the operation of the wind turbine generators in accordance with the requirements described in Conditions F1 to F3, and submit the Acoustic Audit Report-Emission to the Director and the District Manager no later than twelve (12) months after the commencement of the operation of the Facility, or such other date as agreed to in writing by the Director.

## **G - WATER TAKING ACTIVITIES**

- G1. The Company shall not take more than 50,000 litres of water per day per turbine construction site by any means during the construction, installation, use, operation, maintenance and retiring of the Facility.
- G2. The Company shall maintain a record of all water takings which shall include:
- (1) a separate record for each source,
  - (2) the dates and times of water takings,

- (3) the rates of taking, and
- (4) an estimated calculation of the total amounts of water taken per day for each day that water is taken under the authorization of this Approval.

- G3. The Company shall ensure that the records are up-to-date and available at or near the site of the taking.
- G4. The Company shall make the records available for inspection by the Municipality upon request.

### **IMPACTS OF THE WATER TAKING**

- G5. The Company shall notify the District Office within two (2) business days of any complaint arising from the taking of water authorized under this Approval and shall report any action which has been taken or is proposed with regard to such complaints. The Company shall notify the District immediately if the taking of water is observed to have any significant impact on the surrounding waters. After hours, calls shall be directed to the Ministry's Spills Action Centre at 1-800-268-6060.
- G6. For groundwater takings, if the taking is observed to cause any negative impact to other water supplies obtained from any adequate sources that were in use prior to initial issuance of this Approval, the Company shall take such action necessary to make available to those affected, a supply of water equivalent in quantity and quality to their normal takings, or shall compensate such persons for their reasonable costs of doing so, or shall reduce the rate and amount of taking to prevent or alleviate the observed negative impact. Pending permanent restoration of the affected supplies, the Company shall provide to those affected temporary water supplies adequate to meet their normal requirements, or shall compensate such persons for their reasonable costs of doing so.
- G7. If permanent interference is caused by the water taking, the Company shall restore the water supplies of those permanently affected.
- G8. The Company shall ensure the taking of water under authority of this Approval does not result in an Adverse Effect on waters in the vicinity of the Facility.
- G9. The Company shall ensure that any water discharged to the natural environment does not result in scouring, erosion or physical alteration of stream channels or banks and that there is no flooding in the receiving area or water body, downstream water bodies, ditches or properties caused or worsened by this discharge.
- G10. Siltation control measures shall be installed at the discharge site(s) and shall be sufficient to control the volumes.
- G11. Any discharge facilities installed at or downstream of the discharge point(s) such as discharge diffusers, settlement ponds, silt bags, flow checks or filters are designed and constructed to capture and treat the discharge water for suspended solids prior to release to any watercourse. The discharge facilities shall be maintained for the full duration of the discharge.

G12. The Company shall not discharge Turbid Water to any watercourse.

G13. The Company shall take all measures necessary to prevent damage to buildings, bridges, structures, roads and/ or railway lines that may be impacted either directly or indirectly by this taking

#### **H - STORMWATER MANAGEMENT, EROSION AND SEDIMENT CONTROL AND SURFACE WATER MONITORING**

H1. The Company shall prepare and submit using current best management practices, a site-specific stormwater management plan and erosion and sediment control plan for the construction, installation, use, operation, maintenance and retiring of the Facility and the Facility (Concrete Plant) to the Director and the District Manager at least one month prior to the commencement of construction of the Facility and the Facility (Concrete Plant).

H2. The Company shall not commence construction of the Facility and the Facility (Concrete Plant) until the site-specific stormwater management plan and erosion and sediment control plan has been approved in writing by the Director. Any required installations will be in place prior to construction.

H3. The site-specific stormwater management plan and erosion and sediment control plan shall:

- (1) Include details on erosion, sediment, stormwater management, spill control, and response plan for all construction-related activities for the Facility and the Facility (Concrete Plant);
- (2) Be prepared by a Professional Engineer;
- (3) Comply with the Ministry's Guideline B-6 "*Guidelines for Evaluating Construction Activities on Water Resources* ", January 1995, "*Stormwater Management Planning and Design Manual* ", March 2003, and "*Erosion and Sediment Control Guideline for Urban Construction, as Compiled by the Greater Golden Horseshoe Conservation Authority* ", December 2006; and
- (4) As a minimum requirement, require the installation of silt fencing prior to construction at the limits of construction around all staging areas, access roads, turbine foundations and laydown areas.

H4. The Company shall take all measures necessary to prevent damages (or any related impacts) to neighbouring properties, buildings, bridges, structures, roads, railway lines and/or other infrastructure that may be impacted by the discharge/ drainage from the Facility and the Facility (Concrete Plant).

H5. The Company shall install and maintain the stormwater management and erosion and sediment control measures as detailed in the plans required under Condition H1. No construction shall commence until the pre-construction measures outlined in the plans have been installed.

H6. The Company shall employ a Qualified Inspector to inspect all erosion and sediment control and stormwater management measures, and perform all monitoring and measurements such as turbidity, as outlined in Conditions H8 and H15.

- H7. The erosion and sediment control and stormwater management measures shall be maintained and inspected daily during construction by the Company, and shall be inspected by a Qualified Inspector following precipitation events during the spring freshet and after any Significant Storm Event. These measures shall continue until such a time as the Qualified Inspector determines that the measures are no longer required or the Qualified Inspector deems that the risk of surface water/ environmental impacts from the construction activity is negligible.
- H8. For the duration of construction, the Company shall require the Qualified Inspector to monitor in-field turbidity levels for all project components/ construction which takes place within 30 m of the high water mark of a waterbody in accordance with the following:
- (1) Monitoring shall be conducted on a daily basis upstream of the construction activity, and downstream of the construction activity during Significant Storm Events and the spring freshet;
  - (2) If the average (arithmetic mean) daily turbidity level downstream of the In-Water Works and construction activity exceeds the Canadian Council of Ministers of the Environment Canadian Water Quality Guidelines (CCME-CWQG) for the Protection of Aquatic Life for a short-term or long-term exposure as defined in the Canadian Environmental Quality Guidelines, Canadian Council of Ministers of the Environment, 1999, and as updated, the Company shall notify the Spills Action Centre (SAC) (1-800-268-6060 (toll-free, province-wide), or at 416-325-3000 (Toronto area), or 1-855-889-5775 (TTY)), within 24 hours and the Company shall implement the response plan to prevent further migration of turbid water into the watercourse(s).
- H9. When there is an overlap between regulatory requirements, the Company shall apply the more stringent and the more protective requirements for water bodies, natural heritage features and fish habitat.
- H10. The Company shall ensure that runoff/ stormwater does not contain a concentration of oil or petrochemicals that could be detected as a visible film, sheen or discolouration, be detected by odour, cause the tainting of any edible aquatic organism, form deposits on shorelines or bottom sediments, or that could be deleterious to aquatic organisms.
- H11. The Company shall ensure that water pumped from any excavations is not discharged at a rate or in a quantity which will cause downstream flooding, erosion, or an Adverse Effect and that appropriate sediment control measures such as sediment basin and filter strips will be employed as necessary at the discharge location.
- H12. The Company shall ensure that construction works and related activities are located a minimum of 30 m from the high water mark of water bodies, except as identified in the site-specific stormwater management plan and erosion and sediment control plan as per Condition H1.
- H13. The Company shall maintain records of all inspections, monitoring and sampling data, and maintenance carried out pursuant to Conditions H1 to H12 and H15 (for In-Water Works), which shall be made available for inspection by the Ministry, upon request. The records shall include the name of the Qualified Inspector, date and timing of inspections and all remedial actions taken.

## **IN-WATER WORKS DURING CONSTRUCTION**

- H14. In-water Works shall be completed in a manner that protects fish habitat and other sensitive species/ habitats.
- H15. The Company shall monitor in-field turbidity levels for the duration of construction or until such a time as the Qualified Inspector determines that the erosion and sediment control measures are no longer required and/ or that the risk of surface water/ environmental impacts are negligible, in accordance with a sampling program prepared by the Company and submitted to the District Manager for approval prior to the commencement of construction including In-Water Works. The sampling program shall include the following:
- (1) Monitoring shall be initiated two weeks prior to the commencement of construction including In-Water Works and be conducted on a daily basis upstream and downstream of the In-Water Works within the waterbody(s), and downstream of the Facility and the Facility (Concrete Plant) within the waterbody(s);
  - (2) The Company shall notify the District Manager if the turbidity downstream of the erosion and control works is greater than 8 NTU (as per CCME-CWQG) from that measured upstream. The Company shall immediately implement additional erosion and sediment control measures to reduce or mitigate the sediment related impacts; and
  - (3) The Company shall collect water samples from a location immediately upstream of the In-water Works, and from a location immediately downstream of the In-water Works to be analyzed for Total Suspended Solids (TSS). The TSS sampling shall take place at least once daily during In-water Works related construction, unless otherwise directed by the Ministry.
- H16. The Company shall install all In-water Works in a manner which:
- (1) Prevents an Adverse Effect to the stream bed, substrates, stream bank, instream and near-shore habitat, and flow characteristics, absent of any authorizations such as timing restrictions and/ or mitigation requirements from partner Ministries and agencies; and
  - (2) Adheres to timing restrictions and/ or mitigation requirements of partner Ministries and agencies, including a restriction on In-Water Works related to dock construction from April 1 to June 30 annually.

## **I - SEWAGE WORKS OF THE TRANSFORMER SUBSTATION SPILL CONTAINMENT FACILITY**

- I1. The Company shall design and construct a transformer substation oil spill containment facility which meets the following requirements:

- (1) the spill containment facility serving the transformer substation shall have a minimum volume equal to the volume of transformer oil and lubricants plus the volume equivalent to providing a minimum 24-hour duration, 50-year return storm capacity for the stormwater drainage area around the transformer under normal operating conditions. This containment area shall have:
  - (a) an impervious floor with walls usually of reinforced concrete or impervious plastic liners, sloped toward an outlet / oil control device, allowing for a freeboard of 0.25 m terminating approximately 0.30 m above grade to prevent external stormwater flows from entering the facility. The facility shall have a minimum of 300 mm layer of crushed stoned (19 mm to 38 mm in diameter) within, all as needed in accordance to site specific conditions and final design parameters; or
  - (b) a permeable floor with impervious plastic walls and around the transformer pad; equipped with subsurface drainage with a minimum 50 mm diameter drain installed on a sand layer sloped toward an outlet for sample collection purposes; designed with an oil absorbent material on floor and walls, and allowing for a freeboard of 0.25 m terminating approximately 0.30 m above grade to prevent external stormwater flows from entering the facility. The facility's berm shall be designed as needed in accordance to site specific conditions and the facility shall have a minimum 300 mm layer of crushed stoned (19 mm to 38 mm in diameter) on top of the system, as needed in accordance to site specific conditions and final design parameters.
- (2) the spill containment facility shall be equipped with an oil detection system; it also shall have a minimum of two (2) PVC pipes (or equivalent material) 50 mm diameter to allow for visual inspection of water accumulation. One pipe has to be installed half way from the transformer pad to the vehicle access route;
- (3) the spill containment facility shall have appropriate sewage appurtenances as necessary, such as but not limited to: sump, oil/grit separator, pump-out manhole, level controllers, floating oil sensors, etc., that allows for batch discharges or direct discharges and for proper implementation of the monitoring program described under Condition I4; and
- (4) the Company shall have a Professional Engineer on-site during construction of the spill containment facility to ensure that the system is installed in accordance with the approved design and specifications.

I2. The Company shall:

- (1) within six (6) months after the completion of the construction of the transformer substation spill containment facility, provide to the District Manager an engineering report and as-built design drawings of the sewage works for the spill containment facility and any stormwater management works required for it, signed and stamped by an independent Professional Engineer and competent in electrical and environmental engineering or retain two Professional Engineers licensed in Ontario (one competent in environmental engineering and the other electrical engineering) to work together simultaneously on the project. The engineering report shall include the following:
  - (a) as-built drawings of the sewage works for the spill containment facility and any stormwater management works required for it;
  - (b) a written report signed by a Professional Engineer confirming the following:
    - (i) on-site supervision during construction
    - (ii) in case of a permeable floor systems: type of oil absorbent material used (for mineral-based transformer oil or vegetable-based transformer oil, make and material's specifications)
    - (iii) use of stormwater best management practices applied to prevent external surface water runoff from entering the spill containment facility, and
    - (iv) confirm adequacy of the installation in accordance with specifications.
  - (c) confirmation of the adequacy of the operating procedures and the emergency procedures manuals as it pertains to the installed sewage works.
  - (d) procedures to provide emergency response to the site in the form of pumping and clean-up equipment within 24 hours after an emergency has been identified. Such response shall be provided even under adverse weather conditions to prevent further danger of material loss to the environment.
- (2) as a minimum, the Company shall check the oil detection systems on a monthly basis and create a written record of the inspections;
- (3) ensure that the effluent is essentially free of floating and settle-able solids and does not contain oil or any other substance in amounts sufficient to create a visible film, sheen or foam on the receiving waters;
- (4) immediately identify and clean-up all losses of oil from the transformer;
- (5) upon identification of oil in the spill containment facility, take immediate action to prevent the further occurrence of such loss;
- (6) ensure that equipment and material for the containment, clean-up and disposal of oil and materials contaminated with oil are kept within easy access and in good repair for immediate use in the event of:



- (a) loss of oil from the transformer,
- (b) a spill within the meaning of Part X of the Act, or
- (c) the identification of an abnormal amount of oil in the effluent.

(7) In the event of finding water accumulation in the PVC pipes at the time of inspection, as per Condition I4, the Company shall: (a) for impervious floors, inspect the sewage appurtenances that allow drainage of the concrete pit; or (b) for permeable systems, replace the oil absorbent material to ensure integrity of the system performance and design objectives.

(8) For permeable floor systems, the Company shall only use the type of oil specified in the design, i.e. mineral-based transformer oil or vegetable-based transformer oil. If a change is planned to modify the type of oil, the Company shall also change the type of the oil absorbent material and obtain approval from the Director to amend this Approval before any modification is implemented.

I3. The Company shall design, construct and operate the sewage works such that the concentration of the effluent parameter named in the table below does not exceed the maximum Concentration Objective shown for that parameter in the effluent, and shall comply with the following requirements:

<b>Effluent Parameters</b>	<b>Maximum Concentration Objective</b>
Oil and Grease	15 mg/L

- (1) notify the District Manager as soon as reasonably possible of any exceedance of the maximum concentration objective set out in the table above;
- (2) take immediate action to identify the cause of the exceedance; and
- (3) take immediate action to prevent further exceedances.

I4. Upon commencement of the operation of the Facility, the Company shall establish and carry out the following monitoring program for the sewage works:

- (1) the Company shall collect and analyze the required set of samples at the sampling points listed in the table below in accordance with the measurement frequency and sample type specified for the effluent parameter, oil and grease, and create a written record of the monitoring:

<b>Effluent Parameters</b>	<b>Measurement Frequency and Sample Points</b>	<b>Sample Type</b>
Oil and Grease	Quarterly, i.e. four times over a year, relatively evenly spaced having a minimum two (2) of these samples taken within 48 hours after a 10 mm rainfall event.	Grab

- (2) in the event of an exceedance of the maximum concentration objective set out in the table in Condition I3, the Company shall:
    - (a) increase the frequency of sampling to once per month, for each month that effluent discharge occurs, and
    - (b) provide the District Manager, on a monthly basis, with copies of the written record created for the monitoring until the District Manager provides written direction that monthly sampling and reporting is no longer required; and
  - (3) if over a period of twenty-four (24) months of effluent monitoring under Condition I4, there are no exceedances of the maximum concentration set out in the table for Concentration Objective, the Company may reduce the measurement frequency of effluent monitoring to a frequency as the District Manager may specify in writing, provided that the new specified frequency is never less than annual.
- I5. The Company shall comply with the following methods and protocols for any sampling, analysis and recording undertaken in accordance with Condition I4:
- (1) Ministry of the Environment and Climate Change publication "Protocol for the Sampling and Analysis of Industrial/ Municipal Wastewater", January 1999, as amended from time to time by more recently published editions, and
  - (2) the publication "Standard Methods for the Examination of Water and Wastewater", 21st edition, 2005, as amended from time to time by more recently published editions.

## **J - SPILL CONTAINMENT FOR THE TEMPORARY FUEL STORAGE TANKS**

- J1. The Company shall design and construct a spill containment system for the temporary fuel storage tanks in accordance with the Ministry of the Environment and Climate Change publication "Guidelines for Environmental Protection Measures at Chemical and Waste Storage Facilities", May 2007, any applicable Technical Standards and Safety Authority regulations or codes, and any other applicable legislation, regulations, standards, codes or practices.

## **K - NATURAL HERITAGE**

### **GENERAL**

- K1. The Company shall implement the Environmental Effects Monitoring Plan for the Amherst Island Wind Energy Project, titled Amherst Island Wind Energy Project Environmental Effects Monitoring Plan for Wildlife, dated April 2013, and the commitments made in the following reports and included in the Application, and which the Company submitted to the Ministry of Natural Resources and Forestry in order to comply with O. Reg. 359/09:

- Amherst Island Wind Energy Project Natural Heritage Assessment and Environmental Impact Study, November 2012 prepared by Stantec Consulting Limited.

K2. If the Company determines that it must deviate from the Environmental Effects Monitoring Plan or the Environmental Impact Study, described in Condition K1, the Company shall contact the Director and the Ministry of Natural Resources and Forestry, prior to making any changes to the Environmental Effects Monitoring Plan or the Environmental Impact Study, and follow any directions provided.

**POST-CONSTRUCTION MONITORING - SIGNIFICANT WILDLIFE HABITAT**

K3. The Company shall implement the post-construction monitoring described in the Environmental Effects Monitoring Plan, described in Condition K1, including the following:

- (1) Disturbance Monitoring for Raptor Wintering Areas (RWA 1,2,3,4,5,6,7,8);
- (2) Disturbance Monitoring for Landbird Migratory Stopover Areas (ML 1,2,3,4,5);
- (3) Disturbance Monitoring for Woodland Area Sensitive Breeding Bird Habitat (ABB1);
- (4) Disturbance Monitoring for Open Country Breeding Birds and Short-eared Owl Breeding Habitat (OCB 1,2,3,4,5,6,7,8,9);
- (5) Disturbance Monitoring for Shrub/ Early Successional Breeding Bird Habitat (SBB 4, 5);

And the following post-construction monitoring as requested by the Ministry of Natural Resources and Forestry:

- (6) One year of Disturbance Monitoring for Amphibian Breeding Woodlands (ABW2);
- (7) One year of Disturbance Monitoring for Amphibian Wetlands (ABWE1); and
- (8) Three years of Disturbance Monitoring for Marsh Breeding Bird habitat (MBB1).

**POST-CONSTRUCTION MONITORING - BIRD AND BAT MONITORING**

K4. The Company shall implement the post-construction bird and bat mortality monitoring described in the Environmental Effects Monitoring Plan, described in Condition K1, at a minimum of 10 of the 26 constructed turbines. The turbines to be monitored are S01; S02; S03; S05; S07; S14, S18; S22; S28 and S36. In addition,

- (1) The Company shall extend post-construction mortality monitoring, specifically for raptors described in the Environmental Effects Monitoring Plan, described in Condition K1, to include weekly December 1 through March 31 at all constructed turbines and monitor for disturbance to raptor wintering habitat.

## THRESHOLDS AND MITIGATION

- K5. The Company shall contact the Director and the Ministry of Natural Resources and Forestry if any of the following bird and bat mortality thresholds, as stated in the Environmental Effects Monitoring Plan for the Amherst Island Wind Energy Project, described in Condition K1, exceed:
- (1) 10 bats per turbine per year;
  - (2) 14 birds per turbine per year at individual turbines or turbine groups;
  - (3) 0.2 raptors per turbine per year (all raptors) across the Facility;
  - (4) 0.1 raptors per turbine per year (provincially tracked raptors) across the Facility;
  - (5) 10 or more birds at any one turbine during a single monitoring survey; or
  - (6) 33 or more birds (including raptors) at multiple turbines during a single monitoring survey.
- K6. If the bat mortality threshold described in Condition K5(1) is exceeded, the Company shall:
- (1) implement operational mitigation measures consistent with those described in the Ministry of Natural Resources and Forestry publication entitled "Bats and Bat Habitats: Guidelines for Wind Power Projects" dated July 2011, or in an amended version of the publication. Such measures shall include:
    - (a) adjust cut-in speed to 5.5 m/s between sunset and sunrise, from July 15 to September 30; or
    - (b) feather wind turbine blades when wind speeds are below 5.5 m/s between sunset and sunrise, from July 15 to September 30 at all turbines, for the operating life of the Facility;
  - (2) implement an additional three (3) years of effectiveness monitoring.
- K7. If the bat mortality threshold described in Condition K5(1) is exceeded after operational mitigation is implemented in accordance with Condition K6, the Company shall prepare and implement a contingency plan, in consultation with the Director and the Ministry of Natural Resources and Forestry, to address mitigation actions which shall include additional mitigation and scoped monitoring requirements.
- K8. If any of the bird mortality thresholds described in Conditions K5(2), K5(3) or K5(4) are exceeded for turbines located within 120 m of bird significant wildlife habitat, or if disturbance effects are realized at bird significant wildlife habitat within 120 m of turbine(s) while monitoring is being implemented in accordance with Condition K6, the Company shall implement immediate mitigation actions as described in the Environmental Impact Study and Environmental Effects Monitoring Plan, described in Condition K1, as well as conduct an additional three (3) years of effectiveness monitoring.

- K9. If any of the bird mortality thresholds described in Conditions K5(2), K5(3) or K5(4) are exceeded for turbines located outside 120 m of bird significant wildlife habitat, the Company shall conduct two (2) years of subsequent scoped mortality monitoring and cause and effects monitoring. Following the completion of scoped monitoring, the Company shall implement operational mitigation and effectiveness monitoring at individual turbines as agreed to between the Company and the Director for the first three (3) years following the implementation of mitigation.
- K10. If either of the bird mortality thresholds described in Conditions K5(5) or K5(6) are exceeded, the Company shall prepare and implement a contingency plan to address immediate mitigation actions which shall include:
- (1) periodic shut-down of select turbines; or
  - (2) blade feathering at specific times of year; or
  - (3) an alternate plan agreed to between the Company and the Director.
- K11. If any of the bird mortality thresholds described in Conditions K5(2), K5(3) or K5(4) are exceeded while monitoring is being implemented in accordance with Conditions K8 or K9, or if either of the bird mortality thresholds described in Conditions K5(5) or K5(6) are exceeded after mitigation is implemented in accordance with Condition K10, the Company shall contact the Director and the Ministry of Natural Resources and Forestry and prepare and implement an appropriate response plan that shall include some or all of the following mitigation measures:
- (1) increased reporting frequency to identify potential threshold exceedance;
  - (2) additional behavioural studies to determine factors affecting mortality rates;
  - (3) periodic shut-down of select turbines;
  - (4) blade feathering at specific times of year; or
  - (5) an alternate plan agreed to between the Company and the Director.

## **REPORTING AND REVIEW OF RESULTS**

- K12. The Company shall report, in writing, the results of the post-construction disturbance monitoring described in Conditions K4, including K4(1), and K5, to the Director and the Ministry of Natural Resources and Forestry for three (3) years on an annual basis and within three (3) months of the end of each calendar year in which the monitoring took place.
- K13. The Company shall report, in writing, bird and bat mortality levels to the Director and the Ministry of Natural Resources and Forestry for three (3) years on an annual basis and within three (3) months of the end of each calendar year in which the monitoring took place, with the exception of the following:

- (1) if either of the bird mortality thresholds described in Conditions K5(5) or K5(6) are exceeded, the Company shall report the mortality event to the Director and the Ministry of Natural Resources and Forestry within 48 hours of observation;
- (2) for any and all mortality of species at risk (including a species listed on the Species at Risk in Ontario list as Extirpated, Endangered or Threatened under the provincial *Endangered Species Act, 2007* ) that occurs, the Company shall report the mortality to the Ministry of Natural Resources and Forestry within 24 hours of observation or the next business day;
- (3) if the bat mortality threshold described in Condition K5(1) is exceeded, the Company shall report mortality levels to the Director and the Ministry of Natural Resources and Forestry for the additional three (3) years of monitoring described in Condition K6, on an annual basis and within three (3) months of the end of each calendar year in which the monitoring took place;
- (4) if any of the bird mortality thresholds described in Conditions K5(2), K5(3), or K5(4) are exceeded for turbines located within 120 m of bird significant wildlife habitat, the Company shall report mortality levels to the Director and the Ministry of Natural Resources and Forestry for the additional three (3) years of effectiveness monitoring described in Condition K8, on an annual basis and within three (3) months of the end of each calendar year in which the monitoring took place;
- (5) if any of the bird mortality thresholds described in Conditions K5(2), K5(3), or K5(4) are exceeded for turbines located outside 120 m of bird significant wildlife habitat, the Company shall report mortality levels to the Director and the Ministry of Natural Resources and Forestry for the additional two (2) years of cause and effects monitoring described in Condition K9, on an annual basis and within three (3) months of the end of each calendar year in which the monitoring took place; and
- (6) if the Company implements operational mitigation following cause and effects monitoring in accordance with Condition K9, the Company shall report mortality levels to the Director and the Ministry of Natural Resources and Forestry for the three (3) years of subsequent effectiveness monitoring described in Condition K9, on an annual basis and within three (3) months of the end of each calendar year in which the monitoring took place.

K14. The Company shall publish the following documents on the Company's website:

- (1) any modifications to the Environmental Effects Monitoring Plan as described in Condition K1 within ten (10) days of submitting the final plan to the Director and the Ministry of Natural Resources and Forestry;
- (2) the results of the post-construction disturbance monitoring as described in Condition K12 within ten (10) days of submitting the final report(s) to the Director and the Ministry of Natural Resources and Forestry; and

- (3) annual bird and bat mortality monitoring as described in Condition K13 with the exception of subsection K13(2), within ten (10) days of submitting the final report(s) to the Director and the Ministry of Natural Resources and Forestry.

#### **ADDITIONAL POST-CONSTRUCTION REQUIREMENTS**

K15. The Company shall implement the mitigation measures and behaviour monitoring for Short-eared Owl Habitat (OCB 1,2,3,4,5,6,7,8,9), as indicated in the Environmental Impact Study, described in Condition K1, including the following:

- (1) the identification of Short-eared Owl breeding territories by a Qualified Professional with expertise in Short-eared Owl;
- (2) curtailment of construction activities for impacts on Short-eared Owl within Short-eared Owl breeding territories from mid-March through the end of July or during another time period determined in consultation with the Ministry of Natural Resources and Forestry; and
- (3) weekly monitoring of Short-eared Owl breeding territories in the same year as construction.

#### **L - ENDANGERED SPECIES ACT REQUIREMENTS**

- L1. The Company shall ensure that activities requiring authorization under the *Endangered Species Act, 2007* will not commence until necessary authorizations are in place.
- L2. All Facility personnel entering the site shall be provided training with the manual about species at risk and avoidance / mitigation requirements. The training shall occur not more than 15 business days prior to when a person begins activities within the project location.

#### **M - CULTURAL HERITAGE RESOURCES AND PROTECTED PROPERTIES**

##### **CONSTRUCTION ACTIVITIES**

Construction activities include the transport by heavy vehicles of equipment and component parts necessary for the construction and installation of the project infrastructure.

M1. The following cultural heritage resources have been identified:

##### **Built Heritage Resources:**

- (1) 5170 Front Road (Neilson's General Store)
- (2) 5555 Front Road (Trinity United Church)
- (3) 2750 Front Road

- (4) 3190 Front Road - structural integrity of narrowly set back structures and features, including the structures and vulnerable fixtures of the residence, outbuildings, the 1820's brick bake oven and dry stone fencing throughout the property
- (5) 3500 South Shore Road
- (6) 4125 South Shore Road
- (7) 3475 South Shore Road
- (8) 4725 Second Concession Road
- (9) 5950 Second Concession Road

**Cultural Heritage Landscapes:**

- (1) Village of Stella
- (2) Ferry landscape
- (3) 1652 Front Road (Pentland Cemetery)
- (4) 1995 Stella 40 Foot Road (St. Paul's Presbyterian Church)

**Dry Stone Walls Located at:**

- (1) Emerald 40 Foot Road and Second Concession Road
- (2) 3190 Front Road
- (3) 3850 South Shore Road
- (4) 570 Front Road
- (5) 2400 Front Road
- (6) 2750 Front Road
- (7) 12405 Front Road
- (8) 12515 Front Road
- (9) 12675 Front Road
- (10) 13555 Front Road



- M2. The Company shall use best efforts to not construct within 50 metres (m) of the cultural heritage resources identified above.
- M3. If construction is within 50 m of the cultural heritage resources identified above, the Company shall ensure that peak particle velocity (PPV) levels are within the acceptable levels that were established prior to construction in accordance with Condition M4.
- M4. Acceptable vibration levels (peak particle velocity [PPV] levels) shall be determined for each cultural heritage resource prior to the commencement of construction within the 50 m buffer zone surrounding the cultural heritage resource by a Qualified Independent Structural Engineer with previous experience working with built heritage under similar circumstances.
- M5. Should, during ongoing monitoring by the Qualified Independent Structural Engineer, PPV levels be exceeded:
- (1) the Company shall cease construction activities within the 50 m buffer zone until an acceptable solution can be identified by the Qualified Independent Structural Engineer;
  - (2) the Qualified Independent Structural Engineer prepares and signs a report with recommendations regarding the solution; and
  - (3) the Company shall follow the recommendations and submit a copy of the Qualified Independent Structural Engineer's report to the District Manager.
- M6. With respect to the dry stone walls, the Company shall:
- (1) Prepare a detailed written and photographic documentation of their condition prior to construction;
  - (2) Conduct on-going monitoring of their condition during construction activity; and
  - (3) Assess and evaluate their condition after the completion of construction activity to ensure that negative impacts have not occurred.
- M7. If any damage does occur to the above listed cultural heritage resources or dry stone walls, the Company shall notify the District Manager and the Ministry of Tourism, Culture and Sport and follow any directions provided by the District Manager and/ or the Ministry of Tourism, Culture and Sport to rectify the damage.
- M8. The Company shall document, including photographically, the ferry landscape prior to any construction activity occurring and in advance of the installation of temporary and permanent project infrastructure in the vicinity of the ferry landscape.

- M9. The removal, destruction or damage of trees shall be avoided to the greatest extent practicable in all areas where construction activities take place including any roads/ transportation routes.
- M10. The removal of any extant cabins, log houses or built features encountered in wooded portions of the project location during construction of the project is prohibited without undertaking a Heritage Assessment prior to the removal of the resource. The heritage assessment report is to be submitted to the Ministry of Tourism, Culture and Sport for review.

## **DECOMMISSIONING ACTIVITIES**

- M11. The Company shall permanently deposit a record of current conditions (reports documenting the pre-construction condition of the project location), including the *Amherst Island Wind Energy Project Protected Properties Assessment* report, dated April 1, 2013 and the addendum to this report dated April 17, 2015, prepared by Stantec Consulting Ltd., and the *Amherst Island Wind Energy Project Heritage Assessment* report, dated April 4, 2013 and addendum to this report dated December 1, 2014, at the local library within 3 months of the start of operation.
- M12. The Company shall, prior to decommissioning activities, review the heritage assessment reports mentioned above, and any pre-construction documentation, to ensure that decommissioning efforts return the project location lands as close to pre-construction conditions as possible.

## **N - ARCHAEOLOGICAL RESOURCES**

- N1. The Company shall implement all of the recommendations, if any, for further archaeological fieldwork and for the protection of archaeological sites found in the consultant archaeologist's report included in the Application, and which the Company submitted to the Ministry of Tourism, Culture and Sport in order to comply with O. Reg. 359/09.
- N2. Should any previously undocumented archaeological resources be discovered, the Company shall:
- (1) cease all alteration of the area in which the resources were discovered immediately;
  - (2) engage a consultant archaeologist to carry out the archaeological fieldwork necessary to further assess the area and to either protect and avoid or excavate any sites in the area in accordance with the *Ontario Heritage Act*, the regulations under that act and the Ministry of Tourism, Culture and Sport's *Standards and Guidelines for Consultant Archaeologists*; and
  - (3) notify the Director as soon as reasonably possible.

## **O – ABORIGINAL CONSULTATION**

- O1. During the construction, installation, operation, use and retiring of the Facility, the Company shall:
- (1) create and maintain written records of any communications with Aboriginal communities; and

- (2) make the written records available for review by the Ministry upon request.
- O2. The Company shall provide the following to interested Aboriginal communities:
  - (1) updated project information, including the results of monitoring activities undertaken and copies of additional archaeological assessment reports that may be prepared; and
  - (2) updates on key steps in the construction, installation, operation, use and retirement phases of the Facility and the Facility (Concrete Plant), including notice of the commencement of construction activities at the project location.
- O3. If an Aboriginal community requests a meeting to obtain information relating to the construction, installation, operation, use and retiring of the Facility, the Company shall make reasonable efforts to arrange and participate in such a meeting.
- O4. If any archaeological resources of Aboriginal origin are found during the construction of the Facility, the Company shall:
  - (1) notify any Aboriginal community considered likely to be interested or which has expressed an interest in such finds; and
  - (2) if a meeting is requested by an Aboriginal community to discuss the archaeological find(s), make reasonable efforts to arrange and participate in such a meeting.

#### **P - MUNICIPAL CONSULTATION**

- P1. Within three (3) months of receiving this Approval, the Company shall prepare a Traffic Management Plan and provide it to Loyalist Township and the County of Lennox and Addington.
- P2. Within three (3) months of having provided the Traffic Management Plan to Loyalist Township and the County of Lennox and Addington, the Company shall make reasonable efforts to enter into a Road Use Agreement with Loyalist Township and the County of Lennox and Addington.
- P3. If a Road Use Agreement has not been signed with Loyalist Township and the County of Lennox and Addington within three (3) months of having provided the Traffic Management Plan to Loyalist Township and the County of Lennox and Addington, the Company shall provide a written explanation to the Director as to why this has not occurred.
- P4. The Company shall make reasonable efforts to keep Loyalist Township and the County of Lennox and Addington informed of construction and operation activities associated with the facility, and make reasonable efforts to ensure that all commitments made to Loyalist Township and the County of Lennox and Addington are met.

## **Q - EMERGENCY RESPONSE AND COMMUNICATIONS PLAN**

- Q1. The Company shall prepare an Emergency Response and Communications Plan to address each project phase (construction, operation and decommissioning) and shall include at a minimum the following information:
- (1) Hazard identification and assessment;
  - (2) Communication system (including updated emergency contact information for the Company) and procedures;
  - (3) Administration of the plan (including roles and responsibilities, and emergency resources); and
  - (4) Emergency response procedures.
- Q2. The Company shall:
- (1) provide a copy of the Emergency Response and Communications Plan;
  - (2) meet with; and
  - (3) discuss the content of the Emergency Response and Communications Plan
- with Loyalist Township, the County of Lennox and Addington, and any interested parties.
- Q3. The Company shall consider any comments received related to the Emergency Response and Communications Plan.
- Q4. The Company shall finalize the Emergency Response and Communications Plan prior to the commencement of construction.

## **R - ACCESS ROADS**

- R1. Vehicle traffic on on-site access roads shall be restricted to speeds of 15 km/hr or less, and shall be further reduced or limited as necessary based on the results of the environmental monitoring at the Facility.
- R2. The Company shall ensure that gates prohibiting public access are installed at the entrance to all access roads.

## **S - COMMUNITY LIAISON COMMITTEE**

- S1. Within three (3) months of receiving this Approval, the Company shall make reasonable efforts to establish a Community Liaison Committee. The Community Liaison Committee shall be a forum to exchange ideas and share concerns with interested residents and members of the public. The Community Liaison Committee shall be established by:

- (1) publishing a notice in a newspaper with general circulation in each local municipality in which the project location is situated; and
  - (2) posting a notice on the Company's publicly accessible website, if the Company has a website; to notify members of the public about the proposal for a Community Liaison Committee and invite residents living within a one (1) kilometre radius of the Facility that may have an interest in the Facility to participate on the Community Liaison Committee.
- S2. The Company may invite other members of stakeholders to participate in the Community Liaison Committee, including, but not limited to, local municipalities, local conservation authorities, Aboriginal communities, federal or provincial agencies, and local community groups.
- S3. The Community Liaison Committee shall consist of at least one Company representative who shall attend all meetings.
- S4. The purpose of the Community Liaison Committee shall be to:
- (1) act as a liaison facilitating two way communications between the Company and members of the public with respect to issues relating to the construction, installation, use, operation, maintenance and retirement of the Facility and the Facility (Concrete Plant);
  - (2) provide a forum for the Company to provide regular updates on, and to discuss issues or concerns relating to, the construction, installation, use, operation, maintenance and retirement of the Facility with members of the public; and
  - (3) ensure that any issues or concerns resulting from the construction, installation, use, operation, maintenance and retirement of the Facility and the Facility (Concrete Plant) are discussed and communicated to the Company.
- S5. The Community Liaison Committee shall be deemed to be established on the day the Director is provided with written notice from the Company that representative Community Liaison Committee members have been chosen and a date for a first Community Liaison Committee meeting has been set.
- S6. If a Community Liaison Committee has not been established within three (3) months of receiving this Approval, the Company shall provide a written explanation to the Director as to why this has not occurred.
- S7. The Company shall ensure that the Community Liaison Committee operates for a minimum period of two (2) years from the day it is established. During this two (2) year period, the Company shall ensure that the Community Liaison Committee meets a minimum of two (2) times per year. At the end of this two (2) year period, the Company shall contact the Director to discuss the continued operation of the Community Liaison Committee.

- S8. The Company shall ensure that all Community Liaison Committee meetings are open to the general public.
- S9. The Company shall provide administrative support for the Community Liaison Committee including, at a minimum:
- (1) providing a meeting space for Community Liaison Committee meetings;
  - (2) providing access to resources, such as a photocopier, stationery, and office supplies, so that the Community Liaison Committee can:
    - (a) prepare and distribute meeting notices;
    - (b) record and distribute minutes of each meeting; and
    - (c) prepare reports about the Community Liaison Committee's activities.
- S10. The Company shall submit any reports of the Community Liaison Committee to the Director and post it on the Company's publicly accessible website, if the Company has a website.

#### **T - OPERATION AND MAINTENANCE**

- T1. Prior to the commencement of the operation of the Facility, the Company shall prepare a written manual for use by Company staff outlining the operating procedures and a maintenance program for the Equipment that includes as a minimum the following:
- (1) routine operating and maintenance procedures in accordance with good engineering practices and as recommended by the Equipment suppliers;
  - (2) emergency procedures;
  - (3) procedures for any record keeping activities relating to operation and maintenance of the Equipment; and
  - (4) all appropriate measures to minimize noise emissions from the Equipment.
- T2. The Company shall;
- (1) update, as required, the manual described in Condition T1; and
  - (2) make the manual described in Condition T1 available for review by the Ministry upon request.
- T3. The Company shall ensure that the Facility is operated and maintained in accordance with the Approval and the manual described in Condition T1.

## **U - RECORD CREATION AND RETENTION - FACILITY**

U1. The Company shall create written records consisting of the following:

- (1) an operations log summarizing the operation and maintenance activities of the Facility;
- (2) within the operations log, a summary of routine and Ministry inspections of the Facility; and
- (3) a record of any complaint alleging an Adverse Effect caused by the construction, installation, use, operation, maintenance or retirement of the Facility.

U2. A record described under Condition U1(3) shall include:

- (1) a description of the complaint that includes as a minimum the following:
  - (a) the date and time the complaint was made;
  - (b) the name, address and contact information of the person who submitted the complaint;
- (2) a description of each incident to which the complaint relates that includes as a minimum the following:
  - (a) the date and time of each incident;
  - (b) the duration of each incident;
  - (c) the wind speed and wind direction at the time of each incident;
  - (d) the ID of the Equipment involved in each incident and its output at the time of each incident;
  - (e) the location of the person who submitted the complaint at the time of each incident;
  - (f) the name(s) of Company personnel responsible for handling the incident; and
- (3) a description of the measures taken to address the cause of each incident to which the complaint relates and to prevent a similar occurrence in the future.

U3. The Company shall retain, for a minimum of five (5) years from the date of their creation, all records described in Condition U1, and make these records available for review by the Ministry upon request.

## **V - NOTIFICATION OF COMPLAINTS**

V1. The Company shall notify the District Manager of each complaint within two (2) business days of the receipt of the complaint.

V2. The Company shall provide the District Manager with the written records created under Condition U2 within eight (8) business days of the receipt of the complaint.

**W - CHANGE OF OWNERSHIP**

W1. The Company shall notify the Director in writing, and forward a copy of the notification to the District Manager, within thirty (30) days of the occurrence of any of the following changes:

- (1) the ownership of the Facility;
- (2) the operator of the Facility;
- (3) the address of the Company;
- (4) the partners, where the Company is or at any time becomes a partnership and a copy of the most recent declaration filed under the *Business Names Act* , R.S.O. 1990, c.B.17, as amended, shall be included in the notification; and
- (5) the name of the corporation where the Company is or at any time becomes a corporation, other than a municipal corporation, and a copy of the most current information filed under the *Corporations Information Act* , R.S.O. 1990, c. C.39, as amended, shall be included in the notification.



**SCHEDULE A**  
**Facility Description**

The Facility shall consist of the construction, installation, operation, use and retiring of the following:

- (a) a total of twenty six (26) out of twenty seven (27) Siemens SWT 3.2-113 wind turbine generators
  - thirteen (13) wind turbines rated at a maximum of 2.942 megawatts (MW); and
  - fourteen (14) wind turbines rated at a maximum of 2.772 megawatts (MW)with a maximum total name plate capacity of 74.3 megawatts (MW), designated as source ID Nos. S01-S05, S07, S09, S11-S14, S16, S18-S22, S26-S31, S33, S34, S36 and S37, each with a hub height of 99.5 metres above grade, and sited at the locations shown in Schedule B, in accordance with Condition C1(2)(b); and
- (b) associated ancillary equipment, systems and technologies including one (1) transformer substation, on-site access roads, underground cabling and overhead power lines,

all in accordance with the Application.

**SCHEDULE B**  
**Coordinates of the Equipment and Noise Specifications**

**Table B1:** Coordinates and Maximum Sound Power Levels of Wind Turbine Generators  
Coordinates of the Equipment below in UTM, Z18-NAD83 projection

<b>Source ID</b>	<b>Maximum sound power level (dBA)</b>	<b>Easting (m)</b>	<b>Northing (m)</b>	<b>Source description</b>
<b>S01</b>	104.0	359,172	4,889,551	Siemens SWT-2.772-113 and 99.5 metres hub height
<b>S02</b>	104.0	366,489	4,890,373	Siemens SWT-2.772-113 and 99.5 metres hub height
<b>S03</b>	105.0	361,257	4,887,434	Siemens SWT-2.942-113 and 99.5 metres hub height
<b>S04</b>	105.0	360,408	4,890,076	Siemens SWT-2.942-113 and 99.5 metres hub height
<b>S05</b>	105.0	362,668	4,888,881	Siemens SWT-2.942-113 and 99.5 metres hub height
<b>S07</b>	104.0	366,812	4,891,637	Siemens SWT-2.772-113 and 99.5 metres hub height
<b>S09</b>	104.0	360,951	4,887,104	Siemens SWT-2.772-113 and 99.5 metres hub height
<b>S11</b>	104.0	361,641	4,887,206	Siemens SWT-2.772-113 and 99.5 metres hub height
<b>S12</b>	105.0	368,952	4,892,526	Siemens SWT-2.942-113 and 99.5 metres hub height
<b>S13</b>	104.0	367,813	4,891,841	Siemens SWT-2.772-113 and 99.5 metres hub height
<b>S14</b>	105.0	366,790	4,891,157	Siemens SWT-2.942-113 and 99.5 metres hub height
<b>S16</b>	105.0	361,904	4,889,060	Siemens SWT-2.942-113 and 99.5 metres hub height
<b>S18</b>	104.0	367,607	4,892,193	Siemens SWT-2.772-113 and 99.5 metres hub height
<b>S19</b>	104.0	365,107	4,889,563	Siemens SWT-2.772-113 and 99.5 metres hub height
<b>S20</b>	105.0	362,894	4,889,249	Siemens SWT-2.942-113 and 99.5 metres hub height
<b>S21</b>	104.0	364,881	4,889,039	Siemens SWT-2.772-113 and 99.5 metres hub height
<b>S22</b>	105.0	361,447	4,890,656	Siemens SWT-2.942-113 and 99.5 metres hub height
<b>S26</b>	104.0	367,371	4,892,536	Siemens SWT-2.772-113 and 99.5 metres hub height
<b>S27</b>	105.0	365,916	4,890,146	Siemens SWT-2.942-113 and 99.5 metres hub height
<b>S28</b>	105.0	369,091	4,893,127	Siemens SWT-2.942-113 and 99.5 metres hub height
<b>S29</b>	104.0	359,562	4,889,909	Siemens SWT-2.772-113 and 99.5 metres hub height
<b>S30</b>	104.0	367,040	4,892,941	Siemens SWT-2.772-113 and 99.5 metres hub height
<b>S31</b>	104.0	362,343	4,891,028	Siemens SWT-2.772-113 and 99.5 metres hub height
<b>S33</b>	105.0	369,337	4,892,806	Siemens SWT-2.942-113 and 99.5 metres hub height

**Table B1: continued**

<b>Source ID</b>	<b>Maximum sound power level (dBA)</b>	<b>Easting (m)</b>	<b>Northing (m)</b>	<b>Source description</b>
<b>S34</b>	104.0	363,324	4,889,901	Siemens SWT-2.772-113 and 99.5 metres hub height
<b>S36</b>	105.0	364,589	4,888,397	Siemens SWT-2.942-113 and 99.5 metres hub height
<b>S37</b>	105.0	365,501	4,889,854	Siemens SWT-2.942-113 and 99.5 metres hub height
<b>Sub</b>	105.2	363,269	4,891,095	Transformer Substation

Note: The Maximum Sound Power Level of Source ID "Sub" include the applicable 5 dB tonal penalty described in the Noise Guidelines for Wind Farms.

**Table B2: Maximum Sound Power Spectrum (dB Lin) for the Transformer Substation-including 5 dB tonal penalty**

<b>Sub</b>	<b>Octave Bands Centre Frequency (Hz)</b>							
	<b>63</b>	<b>125</b>	<b>250</b>	<b>500</b>	<b>1000</b>	<b>2000</b>	<b>4000</b>	<b>8000</b>
Sound Power Level (dB Lin)	104.0	107.0	105.0	105.0	99.0	94.0	89.0	81.0

**SCHEDULE C**  
**Noise Control Measures**

**Acoustic Barrier**

One (1) 17 metres long, 6 metres high acoustic barrier, positioned as per Table B.4 and Figure B.2 of the Acoustic Assessment Report. The acoustic barrier shall be continuous, without any holes, gaps or other penetrations, and having a surface mass density of at least 20 kilograms per square metres.

**SCHEDULE D**  
**Temporary Ready-Mix Concrete Batching Plant**

*This Schedule of the Renewable Energy Approval applies only to the construction, installation, operation, use and retiring of a temporary ready-mix concrete batching plant consisting of the following:*

One (1) temporary ready-mix concrete batching plant, having a maximum concrete production rate of 600 cubic metres per day, and consisting of the following sources discharging to the atmosphere:

- one (1) baghouse dust collector to control the emissions from two (2) silos for the storage of cementitious materials, equipped with 10.6 square metres of polyester filter material and a pulse jet cleaning mechanism, discharging to the atmosphere through a vent having an exit diameter of 0.13 metres and extending 10.7 metres above grade;
- one (1) baghouse dust collector to control the emissions from two (2) silos for the storage of cementitious materials, equipped with 10.6 square metres of polyester filter material and a pulse jet cleaning mechanism, discharging to the atmosphere through a vent having an exit diameter of 0.13 metre and extending 9.8 metres above grade;
- one (1) ready mix concrete truck loading station equipped with a rubber sock and dust shroud, located inside an enclosure, covered on three sides and on top;
- one (1) hot water/steam boiler, having a maximum thermal input rating of 2,216,000 kilojoules per hour and fired by No. 2 fuel oil, discharging to the atmosphere through a stack having an exit diameter of 0.3 metre, extending 6.4 metres above grade;
- one (1) diesel fired generator rated 148 kilowatts, discharging to the atmosphere through a stack having an exit diameter of 0.13 metre, extending 6 metres above grade;
- one (1) diesel fired generator rated 81 kilowatts, discharging to the atmosphere through a stack having an exit diameter of 0.13 metre and extending 6 metres above grade;
- fugitive emissions resulting from the delivery, storage, and transfer of materials associated with concrete batching operations;

all in accordance with the Application and the supporting information, including the Emission Summary and Dispersion Modelling Report dated February 25, 2015, and the submissions dated March 9, 2015, by BCX Environmental Consulting and signed by Neil Chan, P.Eng., and the Acoustic Assessment Report (Concrete Plant) prepared by HGC Engineering, dated March 11, 2015 and signed by Corey Kinart, P.Eng.

**DEFINITIONS**

*For the purposes of this Schedule, the following definitions apply, for all other defined terms refer to the Definitions section at the beginning of this Approval:*

1. "Acoustic Assessment Report (Concrete Plant)" means the report, prepared in accordance with Publication NPC-233 submitted in support of the Application, that documents all sources of noise emissions and Noise Control Measures present at the Facility (Concrete Plant) and was prepared by HGC Engineering, dated March 11, 2015 and signed by Corey Kinart, P. Eng.
2. "Best Management Practices Plan" means a document or a set of documents which describes measures to minimize dust emissions from the Facility (Concrete Plant) and/or Equipment (Concrete Plant);
3. "Hours of Operation (Concrete Plant)" means the hours between 07:00 and 19:00 Monday to Friday;
4. "Manual" means a document or a set of documents that provides written instructions to staff or contractors of the Company;
5. "Noise Control Measures (Concrete Plant)" means measures to reduce the noise emissions from the Facility including, but not limited to, silencers, acoustic louvres, enclosures, absorptive treatment, plenums and barriers. It also means the noise control measures outlined in the Acoustic Assessment Report (Concrete Plant);
6. "Publication NPC-300" means Ministry Publication NPC-300 "Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning, Publication NPC-300", August, 2013, as amended;
7. "Truck(s)" means ready-mix truck(s), aggregate truck(s), sand trucks or cement powder tanker truck(s);

## **TERMS AND CONDITIONS**

### **LIMITATION OF OPERATING PERIOD**

1. The Company shall only operate the Facility (Concrete Plant) for a period of one hundred and twenty (120) operating days.

### **OPERATION AND MAINTENANCE**

2. The Company shall:
  - (1) implement prior to the commencement of operation of the Facility (Concrete Plant), the Noise Control Measures (Concrete Plant) as outlined in the Acoustic Assessment Report (Concrete Plant);
  - (2) following the implementation of the Noise Control Measures (Concrete Plant), comply with the limits set out in Publication NPC-300;

- (3) properly maintain the Noise Control Measures (Concrete Plant), ensuring that they continue to meet the acoustical performance outlined in the Acoustic Assessment Report (Concrete Plant);
- (4) operate the Equipment (Concrete Plant) only during the Hours of Operation (Concrete Plant);
- (5) ensure that any and all Trucks arrive at and depart from the Facility (Concrete Plant) only during the Hours of Operation (Concrete Plant) and shall limit such arrivals and departures in accordance with the following:
  - (a) a maximum of eight (8) ready-mix trucks per sixty (60) minute period;
  - (b) a maximum of twenty (20) aggregate/ sand trucks per sixty (60) minute period;
  - (c) a maximum of one (1) cement powder tanker truck per sixty (60) minute period;
- (6) have in place and enforce a policy prohibiting the slamming of truck tailgates at the Facility (Concrete Plant);
- (7) ensure that, at all times outside of the Hours of Operation (Concrete Plant), no activities that can generate dust or noise off-site, are carried out at the Facility (Concrete Plant), except for the operation of the 81 kilowatt diesel-fired generator.

### **Operation and Maintenance Manual**

3. The Company shall ensure that the Facility (Concrete Plant) and the Equipment (Concrete Plant) are properly operated and maintained at all times. The Company shall:
  - (1) prepare, before commencement of operation of the Equipment (Concrete Plant), and update, as necessary, a Manual outlining the operating procedures and a maintenance program for the Facility (Concrete Plant) and the Equipment (Concrete Plant), including:
    - (a) routine operating and maintenance procedures in accordance with good engineering practices, and as recommended by the Equipment (Concrete Plant) suppliers;
    - (b) emergency procedures, including spill clean-up procedures;
    - (c) procedures for any record keeping activities relating to operation and maintenance of the Facility (Concrete Plant) and the Equipment (Concrete Plant);
    - (d) all appropriate measures to minimize noise emissions from all potential sources;
    - (e) the frequency of inspection of, and replacement of the filter material in, the Equipment (Concrete Plant);

- (f) procedures for recording and responding to environmental complaints relating to the operation of the Facility (Concrete Plant); and
- (2) implement the recommendations of the Manual.

### **Fugitive Dust Control**

#### 4. The Company shall:

- (1) review, evaluate, and update on a monthly basis, the Best Management Practices Plan for controlling fugitive dust emissions; and
- (2) implement, at all times, the most recently updated version of the Best Management Practices Plan.

#### 5. The Company shall record, in a log book, each time a specific preventative and control measure described in the Best Management Practices Plan is implemented. The Company shall record, as a minimum:

- (1) the date when each emission control measure is installed, including a description of the control measure;
- (2) the date when each new preventative measure or operating procedure to minimize emissions is implemented, including a description of the preventative measure or operating procedure; and
- (3) the date, time of commencement, and time of completion of each periodic activity conducted to minimize emissions, including a description of the preventative measure/procedure and the name of the individual performing the periodic activity.

### **RECORD RETENTION - FACILITY (CONCRETE PLANT)**

#### 6. The Company shall retain, for a minimum of two (2) years from the date of their creation, all records and information pertaining to the Facility (Concrete Plant), and make these records available for review by staff of the Ministry upon request. The Company shall retain:

- (1) all records on:
  - (a) the maintenance, repair and inspection of the Facility (Concrete Plant) and the Equipment (Concrete Plant); and
  - (b) the minimization of fugitive dust and noise emissions from the Facility;
- (2) all records on the daily operation of the Facility (Concrete Plant), including:
  - (a) daily production rate;



- (b) daily start-up and shut-down times of the Facility (Concrete Plant);
- (3) all records of any upset conditions associated with the operation of the Equipment (Concrete Plant);
- (4) the log book which contains all records on the preventative and control measures implemented for each source of fugitive dust emissions identified in the Best Management Practices Plan for the Facility (Concrete Plant);
- (5) all records on the environmental complaints pertaining to the Facility (Concrete Plant), including:
  - (a) a description, time, date and location of each incident;
  - (b) operating conditions (e.g. upset conditions) at the time of the incident;
  - (c) wind direction and other weather conditions at the time of the incident;
  - (d) the name(s) of Company personnel responsible for handling the incident;
  - (e) the cause of the incident;
  - (f) the Company response to the incident; and
  - (g) a description of the measures taken to address the cause of the incident and to prevent a similar occurrence in the future, and the outcome of the measures taken.

#### **WATER TAKING**

- 7. The Company is authorized to take a maximum of 120,000 litres of water from Lake Ontario per day for use in the Facility (Concrete Plant).
- 8. The taking of water shall be carried out in such a manner as to prevent the disruption or removal of any fish, invertebrates, or sediment from the watercourse.

#### **WASTEWATER**

- 9. The Company shall ensure that no wastewater is discharged into the natural environment from the Facility (Concrete Plant) or its associated Equipment (Concrete Plant) and Truck(s).

#### **DECOMMISSIONING**

- 10. The Company shall remove the Facility (Concrete Plant) after one hundred and twenty (120) operating days.

## REASONS

1. Condition No. 1 is intended to limit the operating period of the Facility (Concrete Plant).
2. Condition No. 2 is included to provide the minimum performance requirements considered necessary to prevent an Adverse Effect resulting from the operation of the Facility (Concrete Plant) and to ensure that the Facility (Concrete Plant)'s Hours of Operation (Concrete Plant) are not exceeded beyond the stated hours.
3. Condition Nos. 3 and 4 are included to emphasize that the Facility (Concrete Plant) must be maintained and operated according to a procedure that will result in compliance with the *Environmental Protection Act* .
4. Condition Nos. 5 and 6 are included to require the Company to keep records and to provide information to the Ministry so that compliance with the *Environmental Protection Act* , the regulations and this Approval can be verified.
5. Condition Nos. 7 to 10 are included to ensure that the Facility (Concrete Plant) is constructed, installed, used, operated, maintained and retired in a way that does not result in an Adverse Effect or hazard to the natural environment or any persons.

*The reasons for the imposition of these terms and conditions are as follows:*

## **REASONS**

1. Conditions A1, A2 and A8 are included to ensure that the Facility is constructed, installed, used, operated, maintained and retired in the manner in which it was described for review and upon which Approval was granted. These conditions are also included to emphasize the precedence of conditions in the Approval and the practice that the Approval is based on the most current document, if several conflicting documents are submitted for review.
2. Conditions A3 and A4 are included to require the Company to provide information to the public and the local municipality.
3. Conditions A5 and A6 are included to ensure that final retirement of the Facility is completed in an aesthetically pleasing manner, in accordance with Ministry standards, and to ensure long-term protection of the health and safety of the public and the environment.
4. Condition A7 is included to require the Company to inform the Ministry of the commencement of activities related to the construction, installation and operation of the Facility.
5. Condition B is intended to limit the time period of the Approval.
6. Condition C1 is included to provide the minimum performance requirement considered necessary to prevent an Adverse Effect resulting from the operation of the Equipment and to ensure that the noise emissions from the Equipment will be in compliance with applicable limits set in the Noise Guidelines for Wind Farms.
7. Conditions C2, C3 and D are included to ensure that the Equipment is constructed, installed, used, operated, maintained and retired in a way that meets the regulatory setback prohibitions set out in O. Reg. 359/09.
8. Conditions E and F are included to require the Company to gather accurate information so that the environmental noise impact and subsequent compliance with the Act, O. Reg. 359/09, the Noise Guidelines for Wind Farms and this Approval can be verified. Specifically, Condition F is also included to verify whether the results of the acoustic emission measurements for wind turbines comply with the Maximum Sound Power Levels (dBA) shown in Table B1 of Schedule B of the Approval, and as outlined in the Siemens letter dated December 16, 2014 included in the Acoustic Assessment Report.
9. Conditions G, H, I, J, K, L, R and Q are included to ensure that the Facility is constructed, installed, used, operated, maintained and retired in a way that does not result in an Adverse Effect or hazard to the natural environment or any persons.

10. Condition M is included to protect cultural heritage resources and protected properties.
11. Condition N is included to protect archaeological resources that may be found at the project location.
12. Condition O is included to ensure continued communication between the Company and interested Aboriginal communities.
13. Condition P is included to ensure continued communication between the Company and the local municipalities.
14. Condition S is included to ensure continued communication between the Company and the local residents.
15. Condition T is included to emphasize that the Equipment must be maintained and operated according to a procedure that will result in compliance with the Act, O. Reg. 359/09 and this Approval.
16. Condition U is included to require the Company to keep records and provide information to the Ministry so that compliance with the Act, O. Reg. 359/09 and this Approval can be verified.
17. Condition V is included to ensure that any complaints regarding the construction, installation, use, operation, maintenance or retirement of the Facility are responded to in a timely and efficient manner.
18. Condition W is included to ensure that the Facility is operated under the corporate name which appears on the application form submitted for this Approval and to ensure that the Director is informed of any changes.

## **NOTICE REGARDING HEARINGS**

*In accordance with Section 139 of the Environmental Protection Act, within 15 days after the service of this notice, you may by further written notice served upon the Director, the Environmental Review Tribunal and the Environmental Commissioner, require a hearing by the Tribunal.*

*In accordance with Section 47 of the Environmental Bill of Rights, 1993, the Environmental Commissioner will place notice of your request for a hearing on the Environmental Registry.*

*Section 142 of the Environmental Protection Act provides that the notice requiring the hearing shall state:*

1. The portions of the renewable energy approval or each term or condition in the renewable energy approval in respect of which the hearing is required, and;
2. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

*The signed and dated notice requiring the hearing should also include:*

3. The name of the appellant;

4. The address of the appellant;
5. The renewable energy approval number;
6. The date of the renewable energy approval;
7. The name of the Director;
8. The municipality or municipalities within which the project is to be engaged in;

*This notice must be served upon:*

The Secretary\*  
 Environmental Review Tribunal  
 655 Bay Street, 15th Floor  
 Toronto, Ontario  
 M5G 1E5

AND

The Environmental Commissioner  
 1075 Bay Street, 6th Floor  
 Suite 605  
 Toronto, Ontario  
 M5S 2B1

AND

The Director  
 Section 47.5, *Environmental Protection Act*  
 Ministry of the Environment and Climate  
 Change  
 2 St. Clair Avenue West, Floor 12A  
 Toronto, Ontario  
 M4V 1L5

**\* Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 314-4600, Fax: (416) 314-4506 or [www.ert.gov.on.ca](http://www.ert.gov.on.ca)**

*Under Section 142.1 of the Environmental Protection Act, residents of Ontario may require a hearing by the Environmental Review Tribunal within 15 days after the day on which notice of this decision is published in the Environmental Registry. By accessing the Environmental Registry at [www.ebr.gov.on.ca](http://www.ebr.gov.on.ca), you can determine when this period ends.*

*Approval for the above noted renewable energy project is issued to you under Section 47.5 of the Environmental Protection Act subject to the terms and conditions outlined above.*

DATED AT TORONTO this 24th day of August, 2015




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Ian Greason, P.Eng.  
 Director  
 Section 47.5, *Environmental Protection Act*

SE/

c: District Manager, MOECC Kingston - District  
 Kerrie Skillen, Stantec Consulting Ltd.