

**RENEWABLE ENERGY APPROVAL**NUMBER 8798-998GRW  
Issue Date: August 12, 2013

Ernestown Windpark Inc. operating as Ernestown  
Windpark Limited Partnership  
2300 Yonge St, No. 801  
Toronto, Ontario  
M4P 1E4

Project Ernestown Wind Park  
Location: Lot 27, Concession 2  
Loyalist Township, County of Lennox and Addington

*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 name plate capacity of ten (10) megawatts.

*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 Renewable Energy Approval Application - Noise Impact Assessment, Ernestown Wind Power Project, Ontario, dated June 5, 2013 prepared by GL Garrad Hassan Canada, Inc and signed by Andrew Brunskill & ; S. Dokouzian;
2. "Acoustic Audit - Emission" means an investigative procedure that is compliant with the IEC Standard 61400-11 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. "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;
7. "Act" means the *Environmental Protection Act*, R.S.O 1990, c.E.19, as amended;
8. "Adverse Effect" has the same meaning as in the Act;
9. "Application" means the application for a Renewable Energy Approval dated October 5, 2012 and signed by Nhung Nguyen, Vice President - Development, Ernestown Windpark Inc., and all supporting documentation submitted with the application, including amended documentation submitted up to the date this Approval is issued;
10. "Approval" means this Renewable Energy Approval issued in accordance with Section 47.4 of the Act, including any schedules to it;
11. "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";
12. "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";
13. "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";
14. "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.
15. "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.
16. "Company" means Ernestown Windpark Inc. as general partner for and on behalf of Ernestown Windpark Limited Partnership, the partnership under the laws of Ontario, and includes its successors and assignees;
  17. "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;
  18. "Decibel" means a dimensionless measure of Sound Level or Sound Pressure Level, denoted as dB;
  19. "Director" means a person appointed in writing by the Minister of the Environment pursuant to section 5 of the Act as a Director for the purposes of section 47.5 of the Act;
  20. "District Manager" means the District Manager of the appropriate local district office of the Ministry where the Facility is geographically located;
  21. "Equipment" means the five (5) wind turbine generators identified in this Approval and as further described in the Application, to the extent approved by this Approval;
  22. "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);
  23. "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;
  24. "IEC Standard 61400-11" means the International Standard IEC Standard 61400-11, Wind turbine generator systems – Part 11: Acoustic noise measurement techniques, 2006;
  25. "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;
  26. "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;
  27. "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;

28. "Noise Receptor" has the same meaning as in O. Reg. 359/09;
29. "O. Reg. 359/09" means Ontario Regulation 359/09 "Renewable Energy Approvals under Part V.0.1 of the Act" made under the Act;
30. "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;
31. "Sound Level" means the A-weighted Sound Pressure Level;
32. "Sound Level Limit" is the limiting value described in terms of the one hour A-weighted Equivalent Sound Level  $L_{eq}$ ;
33. "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;
34. "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 ( $\mu\text{Pa}$ );
35. "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  $\mu\text{Pa}$ ;
36. "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
- 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.

**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>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 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 in Table 7.1 of the Acoustic Assessment Report are specified as Noise Receptors for the purposes of subsection 54 (1.1) 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 at one (1) Point of Reception, that is selected using the following criteria:
  - a) the Point of Reception should represent the location of the greatest predicted noise impact, i.e., the highest predicted Sound Level; and

- b) the Point of Reception should be located in the direction of prevailing winds from the Facility;
- (3) the acoustic audit measurements shall be performed on two (2) separate occasions within a period of twelve (12) months that represent the lowest annual ambient Sound Levels, preferably:
  - a) March and April, and
  - b) October and November.

E2. The Company shall submit to the District Manager and the Director an Acoustic Audit Report-Immision, prepared by an Independent Acoustical Consultant, at the following points in time:

- (1) no later than eighteen (18) months after the commencement of the operation of the Facility for the first of the two (2) acoustic audit measurements at the Point of Reception; and
- (2) no later than twenty-four (24) months after the commencement of the operation of the Facility for the second of the two (2) acoustic audit measurements at the Point of Reception.

#### **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 IEC Standard 61400-11;
- (2) the acoustic emission measurements shall be performed by an Independent Acoustical Consultant; and
- (3) the acoustic emission measurements shall be performed on one (1) of the wind turbine generators used in the Facility.

F2. The Company shall submit to the District Manager and the Director an Acoustic Audit Report-Emission, prepared in accordance with Section 9 of the IEC Standard 61400-11 by an Independent Acoustical Consultant, no later than twelve (12) months after the commencement of the operation of the Facility.

#### **G – STORMWATER MANAGEMENT**

G1. The Company shall employ best management practices for stormwater management and sediment and erosion control during construction, installation, use, operation, maintenance and retiring of the Facility, as described in the Application.

## **H – WATER TAKING ACTIVITIES**

H1. The Company shall not take more than 50,000 litres of water on any day by any means during the construction, installation, use, operation, maintenance and retiring of the Facility.

## **I – NATURAL HERITAGE**

### **GENERAL**

- I1. The Company shall implement the Environmental Effects Monitoring Plan for the Ernestown Wind Park, dated October 2, 2012 and the commitments made in the Ernestown Wind Park Environmental Impact Study, dated October 1, 2012, prepared by M. K. Ince and Associates LTD., and included in the Application, and which the Company submitted to the Ministry of Natural Resources in order to comply with O. Reg. 359/09.
- I2. If the Company determines that it must deviate from either the Environmental Effects Monitoring Plan or the Environmental Impact Study, described in Condition I1, the Company shall contact the Ministry of Natural Resources and the Director, prior to making any changes to the Environmental Effects Monitoring Plan or the Environmental Impact Study, and follow any directions provided.

### **PRE-CONSTRUCTION MONITORING**

- I3. The Company shall implement the pre-construction survey(s) described in the Environmental Effects Monitoring Plan described in Condition I1, including the following:
- (1) A baseline survey of Raptor Wintering Areas for RWA01, RWA02
  - (2) A baseline survey of Bat Maternity Roost for BMR01, BMR03
  - (3) A baseline survey of Reptile Hibernacula for RH01
  - (4) A baseline survey of Butterfly Migratory Stopover Areas for BMSA01, BMSA02
  - (5) A baseline survey of Landbird Migratory Stopover Areas for LMSA01, LMSA02, LMSA03, LMSA04
  - (6) A baseline survey of Waterfowl Nesting Areas for WNA01, WNA022
  - (7) A baseline survey of Amphibian Breeding Habitat for ABH01, ABH02, ABH04
  - (8) A baseline survey of Marsh Bird Breeding Habitat for MBBA01, MBBA02
  - (9) A baseline survey of Open Country Bird Breeding Habitat for OCBB01
  - (10) A baseline survey of Shrub/Early Successional Bird Breeding Habitat for ESB02



## **POST CONSTRUCTION MONITORING – SIGNIFICANT WILDLIFE HABITAT**

- I4. The Company shall implement the post-construction monitoring described in the Environmental Effects Monitoring Plan and the Environmental Impact Study, described in Condition I1, including the following:
- (1) Disturbance Monitoring for Amphibian Breeding Habitat for ABM03
  - (2) Disturbance Monitoring for Early Shrub Successional Bird Breeding Habitat for ESB01
- I5. Based on the results of the pre-construction monitoring described in Condition I3, should any of the Wildlife Habitats described in Condition I3 be deemed significant, the Company shall implement the post-construction monitoring described in the Environmental Effects Monitoring Plan described in Condition I1, at the specific habitats that are found to be significant, including the following:
- (1) Disturbance Monitoring for Raptor Wintering Areas for RWA01,RWA02
  - (2) Disturbance Monitoring for Bat Maternity Roost for BMR01, BMR03
  - (3) Disturbance Monitoring for Reptile Hibernacula for RH01
  - (4) Disturbance Monitoring for Butterfly Migratory Stopover Areas for BMSA01, BMSA02
  - (5) Disturbance Monitoring for Landbird Migratory Stopover Areas for LMSA01, LMSA02, LMSA03, LMSA04
  - (6) Disturbance Monitoring for Waterfowl Nesting Areas for WNA01, WNA022
  - (7) Disturbance Monitoring for Amphibian Breeding Habitat for ABH01, ABH02, ABH04
  - (8) Disturbance Monitoring for Marsh Bird Breeding Habitat for MBBA01, MBBA02
  - (9) Disturbance Monitoring for Open Country Bird Breeding Habitat for OCBB01
  - (10) Disturbance Monitoring for Shrub/Early Successional Bird Breeding Habitat for ESB01

## **POST CONSTRUCTION MONITORING – BIRDS AND BATS THRESHOLDS AND MITIGATION**

- I6. The Company shall contact the Ministry of Natural Resources and the Director if any of the following bird and bat mortality thresholds, as stated in the Environmental Effects Monitoring Plan for the Ernestown Wind Park described in Condition I1, are reached or exceeded:
- (1) 10 bats per turbine per year;

- (2) 14 birds per turbine per year at individual turbines or turbine groups;
  - (3) 2 raptors per wind power project per year
  - (3) 10 or more birds at any one turbine during a single monitoring survey; or
  - (3) 33 or more birds (including raptors) at multiple turbines during a single monitoring survey.
- I7. If the bat mortality threshold described in Condition I6(1) is reached or exceeded, the Company shall:
- (1) implement operational mitigation measures consistent with those described in the Ministry of Natural Resources publication entitled "Bats and Bat Habitats: Guidelines for Wind Power Projects" dated July 2011, or in an amended version of the publication;
  - (2) increase cut-in speed to 5.5 m/s or 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; and
  - (3) implement an additional three (3) years of effectiveness monitoring.
- I8. If the bat mortality threshold described in Condition I6(1) is reached or exceeded after operational mitigation is implemented in accordance with Condition I7, the Company shall prepare and implement a contingency plan, in consultation with the Ministry of Natural Resources, to address mitigation actions which shall include additional mitigation and scoped monitoring requirements.
- I9. If either of the bird mortality thresholds described in Conditions I6(2) or I6(3) is reached or exceeded for turbines located within 120m of bird significant wildlife habitat, or if disturbance effects are realized at bird significant wildlife habitat within 120m of turbine(s) while monitoring is being implemented in accordance with Conditions I4 or I5, the Company shall implement immediate mitigation actions as described in the Environmental Impact Study and Environmental Effects Monitoring Plan described in Condition I1, and an additional three (3) years of effectiveness monitoring.
- I10. If either of the bird mortality thresholds described in Conditions I6(2) or I6(3) is reached or exceeded for turbines located outside 120 metres of bird significant wildlife habitat or there is no bird SWH in the project area, 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 for the operating life of the Facility, and effectiveness monitoring at individual turbines, for the first three (3) years following the implementation of mitigation.
- I11. If either of the bird mortality thresholds described in Conditions I6(4) or I6(5) is reached or 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;

- (2) blade feathering at specific times of year; or
  - (3) an alternate plan agreed to between the Company and the Ministry of Natural Resources.
- I12. If either of the bird mortality thresholds described in Conditions I6(2) or I6(3) is reached or exceeded while monitoring is being implemented in accordance with Conditions I9 or I10, or if either of the bird mortality thresholds described in Conditions I6(4) or I6(5) is reached or exceeded after mitigation is implemented in accordance with Condition I11, the Company shall contact the Ministry of Natural Resources 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 Ministry of Natural Resources.

## **REPORTING AND REVIEW OF RESULTS**

- I13. The Company shall report, in writing, the results of the post-construction disturbance monitoring described in Conditions I4 and I5, to the Ministry of Natural Resources 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 disturbance effects are realized at bird significant wildlife habitat within 120m of turbines while monitoring is being implemented in accordance with Conditions I4 or I5, the Company shall report disturbance effects to the Ministry of Natural Resources for the additional three (3) years of effectiveness monitoring described in Condition I9, on an annual basis and within three (3) months of completing the effectiveness monitoring for each year.
- I14. The Company shall report, in writing, both the winter raptor mortality levels and the yearly (May-March) raptor mortality levels for the post-construction monitoring described in Conditions I4(3) and I5(3), to the Ministry of Natural Resources for three (3) years on an annual basis and within three (3) months of the conclusion of the March mortality monitoring for each year, with the exception of the following:
- (1) if either of the bird mortality thresholds described in Conditions I6(4) or I6(5) is reached or exceeded, the Company shall report the mortality event to the Ministry of Natural Resources 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 within 24 hours of observation or the next business day;
- (3) if either of the raptor mortality thresholds described in Condition I6(3) is reached or exceeded for turbines located within 120m of bird significant wildlife habitat, the Company shall report mortality levels to the Ministry of Natural Resources for the additional three (3) years of effectiveness monitoring described in Condition I9, on an annual basis and within (3) months of the conclusion of the March mortality monitoring for each year;
- (4) if either of the raptor mortality thresholds described in Condition I6(3) is reached or exceeded for turbines located outside 120 m of bird significant wildlife habitat or there is no bird SWH in the project area, the Company shall report mortality levels to the Ministry of Natural Resources for the additional two (2) years of cause and effects monitoring described in Condition I10, on an annual basis and within three (3) months of the conclusion of the March mortality monitoring for each year; and
- (5) if the Company implements operational mitigation following cause and effects monitoring in accordance with Condition I10 due to raptor mortality thresholds being reached or exceeded, the Company shall report mortality levels to the Ministry of Natural Resources for the three (3) years of subsequent effectiveness monitoring described in Condition I10, on an annual basis and within three (3) months of the conclusion of the March mortality monitoring for each year.

I15. The Company shall report, in writing, bird and bat mortality levels to the Ministry of Natural Resources for three (3) years on an annual basis and within three (3) months of the conclusion of the November mortality monitoring, with the exception of the following:

- (1) if either of the bird mortality thresholds described in Conditions I6(4) or I6(5) is reached or exceeded, the Company shall report the mortality event to the Ministry of Natural Resources 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 within 24 hours of observation or the next business day;
- (3) if the bat mortality threshold described in Condition I6(1) is reached or exceeded, the Company shall report mortality levels to the Ministry of Natural Resources for the additional three (3) years of monitoring described in Condition I7, on an annual basis and within three (3) months of the conclusion of the October mortality monitoring for each year;

- (4) if either of the bird mortality thresholds described in Conditions I6(2) or I6(3) is reached or exceeded for turbines located within 120m of bird significant wildlife habitat, the Company shall report mortality levels to the Ministry of Natural Resources for the additional three (3) years of effectiveness monitoring described in Condition I9, on an annual basis and within (3) months of the conclusion of the November mortality monitoring for each year.
- (5) if either of the bird mortality thresholds described in Conditions I6(2) or I6(3) is reached or exceeded for turbines located outside 120 m of bird significant wildlife habitat or there is no bird SWH in the project area, the Company shall report mortality levels to the Ministry of Natural Resources for the additional two (2) years of cause and effects monitoring described in Condition I10, on an annual basis and within three (3) months of the conclusion of the November mortality monitoring for each year; and
- (6) if the Company implements operational mitigation in accordance with Condition I10, the Company shall report mortality levels to the Ministry of Natural Resources for the three (3) years of subsequent effectiveness monitoring described in Condition I10, on an annual basis and within three (3) months of the conclusion of the November mortality monitoring for each year.

## **J – TRAFFIC MANAGEMENT PLANNING**

- J1. 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.
- J2. 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 Users Agreement with Loyalist Township and the County of Lennox and Addington.
- J3. If a Road Users 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.

## **K – ARCHAEOLOGICAL RESOURCES**

- K1. 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.
- K2. 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.

## **L – COMMUNITY LIAISON COMMITTEE**

- L1. 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.
- L2. 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.
- L3. The Community Liaison Committee shall consist of at least one Company representative who shall attend all meetings.
- L4. 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;
  - (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 are discussed and communicated to the Company.

- L5. 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.
- L6. 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.
- L7. 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.
- L8. The Company shall ensure that all Community Liaison Committee meetings are open to the general public.
- L9. 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.
- L10. 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.

## **M – OPERATION AND MAINTENANCE**

- M1. 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.

M2. The Company shall;

(1) update, as required, the manual described in Condition M1; and

(2) make the manual described in Condition M1 available for review by the Ministry upon request.

M3. The Company shall ensure that the Facility is operated and maintained in accordance with the Approval and the manual described in Condition M1.

## **N – RECORD CREATION AND RETENTION**

N1. 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.

N2. A record described under Condition N1 (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; 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.

N3. The Company shall retain, for a minimum of five (5) years from the date of their creation, all records described in Condition N1, and make these records available for review by the Ministry upon request.

## **O – NOTIFICATION OF COMPLAINTS**

- O1. The Company shall notify the District Manager of each complaint within two (2) business days of the receipt of the complaint.
- O2. The Company shall provide the District Manager with the written records created under Condition N2 within eight (8) business days of the receipt of the complaint.
- Q3. If the Company receives a complaint related to groundwater, the Company shall contact the District Manager within one (1) business day of the receipt of the complaint to discuss appropriate measures to manage any potential groundwater issues.

## **P – CHANGE OF OWNERSHIP**

- P1. 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.

## **Q – ABORIGINAL CONSULTATION**

- Q1. 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.

Q2. 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, including notice of the commencement of construction activities at the project location.

Q3. 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.

Q4. 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.

## **SCHEDULE A**

### **Facility Description**

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

- (a) five (5) wind turbine generators each rated at two (2) megawatts generating output capacity with a total name plate capacity of ten (10) megawatts, designated as source ID Nos. T1 to T5 , each with a hub height of ninety-eight (98) metres above grade, and sited at the locations shown in Schedule B of this Approval; and
- (b) associated ancillary equipment, systems and technologies including but not limited to, on-site access roads, underground cabling and distribution lines,

all in accordance with the Application.

## SCHEDULE B

### Coordinates of the Equipment and Noise Specifications

Coordinates of the Equipment are listed 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>Maximum Electrical Output</b>
T 1	103.5	362,573	4,899,981	two (2) mega watts
T 2	103.5	361,968	4,899,586	two (2) mega watts
T 3	103.5	362,633	4,898,610	two (2) mega watts
T 4	103.5	363,041	4,897,871	two (2) mega watts
T 5	103.5	362,747	4,897,742	two (2) mega watts

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

1. Conditions A1 and A2 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.
9. Conditions G, H, I and J 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 K is included to protect archaeological resources that may be found at the project location.
11. Condition L is included to ensure continued communication between the Company and the local residents.
12. Condition M 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.

13. Condition N 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.
14. Condition O 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.
15. Condition P 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.16.
17. Condition Q is included to ensure continued communication between the Company and interested Aboriginal communities.

## 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  
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 12th day of August, 2013



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Vic Schroter, P.Eng.  
Director  
Section 47.5, *Environmental Protection Act*

NC/

c: District Manager, MOE Kingston - District  
Nhung Nguyen, Ernestown Windpark LP

