

Appendix B

Environmental Protection Act Loi sur la protection de l'environnement

ONTARIO REGULATION 359/09

RENEWABLE ENERGY APPROVALS UNDER PART V.0.1 OF THE ACT

Consultation with public

16. (1) A person who proposes to engage in a renewable energy project shall hold at least two public meetings, each on a separate day, in accordance with this section,

- (a) in each local municipality in which the project location is situated; and
- (b) if the project location is in unorganized territory,
 - (i) within 25 kilometres of the project location, or
 - (ii) in the local municipality that is closest to the project location, if there is no appropriate place to hold a public meeting in the area described in subclause (i). O. Reg. 359/09, s. 16 (1).

(2) During a period of at least 30 days immediately before the first public meeting is held, a person mentioned in subsection (1) shall make available a draft of the project description report prepared in accordance with Table 1 by,

- (a) posting the drafts on the person's website, if the person has a website;
- (b) making paper copies of the drafts available to the public in each local municipality and in each part of unorganized territory in which the project location is situated;
- (c) making paper copies of the drafts available in any aboriginal community on the list obtained under section 14, if the aboriginal community agrees to the making of the drafts available in the community; and
- (d) distributing the drafts to each aboriginal community mentioned in subparagraph 5 ii of subsection 15 (6). O. Reg. 521/10, s. 8.

(3) Revoked: O. Reg. 521/10, s. 8.

(4) At the first public meeting that is held, a person mentioned in subsection (1) shall make a draft of the project description report prepared in accordance with Table 1 available for inspection. O. Reg. 359/09, s. 16 (4).

(5) During a period of at least 60 days before the final public meeting is held, a person mentioned in subsection (1) shall make available drafts of all documents mentioned in subsection (6) by,

- (a) posting the drafts on the person's website, if the person has a website;
- (b) making paper copies of the drafts available to the public in each local municipality and in each part of unorganized territory in which the project location is situated;
- (c) making paper copies of the drafts available in any aboriginal community on the list obtained under section 14, if the aboriginal community agrees to the making of the drafts available in the community; and
- (d) distributing the drafts to each aboriginal community mentioned in subparagraph 5 ii of subsection 15 (6). O. Reg. 359/09, s. 16 (5).

(6) For the purposes of subsection (5), drafts of the following documents shall be made available if they are to be submitted as part of the application for the issue of a renewable energy approval:

- 1. All documents required under this Part to be submitted as part of the application, other than the consultation report prepared in accordance with Table 1.
- 2. All documents that are to be submitted as part of the application for the purposes of obtaining an exemption from a provision of Part V. O. Reg. 359/09, s. 16 (6).

...

Consultation with municipalities, local authorities

18. (1) A person who proposes to engage in a renewable energy project shall, in accordance with subsections (3) and (4), distribute drafts of the documents mentioned in subsection (2) to,

- (a) the clerk of each local municipality and upper-tier municipality in which the project location is situated;
- (b) the secretary-treasurer of the local roads board of each local roads area in which the project location is situated; and
- (c) the secretary of the Local Services Board of each board area in which the project location is situated. O. Reg. 521/10, s. 11.

(2) The documents referred to in subsection (1) are:

- 1. A project description report.
- 2. A document mentioned in subsection 16 (6), other than the documents described in clauses 22 (3) (a), 23 (3) (a), 28 (3) (b) and (c), 38 (2) (b) and (c), 41 (5) (b) and (c) and 43 (3) (b) and (c).
- 3. A consultation form. O. Reg. 521/10, s. 11.

(3) If section 16 applies,

- (a) the documents referred to in paragraphs 1 and 3 of subsection (2) shall be distributed under subsection (1) at least 30 days before the first public meeting is held for the purposes of subsection 16 (1); and
- (b) the documents referred to in paragraph 2 of subsection (2) shall be distributed under subsection (1) at least 90 days before the final public meeting is held for the purposes of subsection 16 (1). O. Reg. 521/10, s. 11.

(4) If section 16 does not apply, the documents referred to in paragraphs 2 and 3 of subsection (2) shall be distributed under subsection (1) at least 30 days before an application for a renewable energy project is submitted to the Director. O. Reg. 521/10, s. 11.

(5) The consultation form referred to in paragraph 3 of subsection (2) shall be distributed for the purpose of consulting on matters relating to municipal or local infrastructure and servicing and shall be in a form and format approved by the Director. O. Reg. 521/10, s. 11.

(6) This section does not apply to a person who proposes to engage in a renewable energy project in respect of a Class 2 wind facility. O. Reg. 521/10, s. 11.